

To see if the town will vote to amend the Zoning By-Laws by deleting Section 9.7 and replacing it with the following:

## 9.7 CANTON CENTER ECONOMIC OPPORTUNITY DISTRICT (CCEOD)

9.7.1 Subdistricts. The CCEOD is divided into two separate and distinct Subdistricts of Canton Center. The Subdistrict Revitalization Areas are shown on a map entitled "Canton Center Economic Opportunity District (Priority Revitalization Area "A" and Revitalization Area "B") prepared by the Canton Planning Department and dated December 20, 2004, which map is hereby incorporated by reference in this Section

9.8. The Subdistricts are as follows:

1. Priority Revitalization Area "A": That area of Canton Center that runs (1) along Washington Street from Neponset Street to Sherman Street, a distance of approximately 2000 linear feet and (2) that area zoned "Industrial" that runs along Pequit Street in the vicinity of Washington Street, to the Northern border of the District.

2. Priority Revitalization Area "B": That area of Canton Center that runs (1) along Washington Street from Sherman Street to Lewis Street, a distance of approximately 1000 linear feet, but excluding (2) that area of land designated as Industrial that runs along Pequit Street in the vicinity of Washington Street to the Northern border of the District.

Certain activities in the Priority Revitalization Areas A and B are subject to Design Review as set forth in Section 10.6.

9.7.2 Priority Revitalization Area "A"; Purpose. Priority Revitalization Area "A" is established for the accomplishment of the following purposes:

1. To promote the economic health and stability of the Town by encouraging development and economic investment in the Canton Center that will generate employment and tax revenue.

2. To provide additional planning flexibility for projects located in Canton Center, including enhancing the coordination of the project with the environmental and natural features of the development site.

3. To encourage development, including but not limited to, offices and retail shops.

4. To permit and encourage the development of parks and open spaces, which would be available for use by the general public, as a condition for the grant of a special permit pursuant to this Section 9.7 authorizing an increase in the otherwise permissible density of population or intensity of a particular use in a proposed development pursuant to the requirements of this Section.

5. To permit the use of new development standards which will promote the desired changes in Canton Center.

6. To provide information on the potential impacts of a proposed development.

7. To enable the Special Permit Granting Authority (SPCA) to require adherence to "Site Development and Use Plans" in the granting of a special permit.

9.7.3 Priority Revitalization Area "A"; Definitions. For the special purposes of Area "A", the following words and phrases shall have the meaning hereinafter indicated:

**Building Height:** Building height shall be limited as set forth in this Section and measured as set forth in the State Building Code 780 CMR 101.0 et seq.

**Buildable Lot Area:** A buildable lot area shall be a single continuous tract of land located entirely within Priority Revitalization Area "A" which is contiguous with the frontage, and which excludes any land defined as a "Resource Area" under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and any required yard area.

**Gross square feet of nonresidential floor area:** The total nonresidential floor area contained within exterior walls but does not include basement space used for heating and utilities, storage or for automobile parking.

**Open Space:** Open Space is defined as an area of land containing no building or structure, or impervious material. In the event that natural materials (i.e. brick, pavers, etc.) are used in the construction of walkways, courtyards, patios, etc., allowing such surfaces to be pervious, the area of these surfaces can be credited toward the open space requirement. However, surfaces using such pervious materials for vehicular movement or parking may not be used when calculating the open space requirement.

9.7.4 Priority Revitalization Area "A"; Scope of Authority. Priority Revitalization Area "A" shall be an overlay district and shall not restrict the owner's rights relative to the underlying zoning districts. However, if the

owner selects to use Priority Revitalization Area "A" for development purposes, the development shall conform to the requirements of this Section for Priority Revitalization Area "A".

9.7.5 Priority Revitalization Area "A"; Special Permit Granting Authority. The Board of Appeals is hereby designated as the Special Permit Granting Authority (SPGA) for all purposes in Priority Revitalization Area "A". All special permit applications shall conform to the standards and criteria of this Section and the ~~Zoning~~ Board of Appeals Rules and Regulations governing the administration of applications for special permits.

9.7.6 Priority Revitalization Area "A"; Applicability. In Priority Revitalization Area "A", no building shall be constructed or externally enlarged, and no use shall be expanded in ground area, or established in an existing building except in conformity with a special permit issued by the Board of Appeals and a Site Development and Use Plan that bears the endorsement of approval by the Board of Appeals. Requirements and Procedures for approval of such Site Development and Use Plan shall be in accordance with Section 10.5 and this Section.

9.7.7 Priority Revitalization Area "A"; Special Permit Criteria. In addition to the specific criteria contained within Section 10.4, the SPGA shall issue a special permit for development within Priority Revitalization Area "A" only after consideration of the project's compliance with the following additional criteria:

1. Adequacy of the site in terms of the size of the proposed use(s);
2. Adequacy of the provision of open space, its accessibility to the general public, and/or its association with adjacent or proximate open space areas;
3. Suitability of the site for the proposed use(s);
4. Impact on traffic and pedestrian flow and safety;
5. Impact on the visual character of the neighborhood;
6. Adequacy of utilities, including sewage disposal, water supply and storm water drainage; and
7. Degree to which the proposed project complies with the goals of the Canton Center Revitalization Plan and the provisions of this Section.

9.7.8 Priority Revitalization Area “A”; Special Permit Uses. Within Priority Revitalization Area "A", the Board of Appeals may issue a special permit authorizing the following uses. No building or structure shall be designed, arranged or constructed and no building, structure or land shall be used, in whole or in part, for any purpose other than for one or more of the uses herein set forth as permissible by special permit.

2. Retail stores and offices including salesrooms and showrooms, consumer service establishments, business and professional offices, executive and administrative offices, banks and other institutions.

3. All uses allowed by right or by special permit in the underlying zoning district.

4. Restaurant and other on-premises eating and drinking establishments.

9.7.9 Priority Revitalization Area “A”; Standards.

1. Minimum Lot Size. The minimum lot size is 10,000 square feet of "buildable lot area." The lot must contain the "buildable lot area" in a single, contiguous site within the boundaries of Priority Revitalization Area "A". No portion of a way or street, as defined by the by-law may be included in computing the minimum required "buildable lot area".

2. Lot Coverage. No building shall be constructed so as to cover, together with any other building on the lot, more than fifty (50) percent of the "buildable lot area".

3. Minimum Lot Frontage and Access. Lots with over 60,000 sq. ft. of "buildable lot area" shall have a minimum frontage of one hundred twenty (120) feet and at least one means of ingress/egress. Each means of ingress/egress shall have a continuous frontage of not less than sixty feet.

4. Density. No building or structure shall be designed, arranged or constructed and no building, structure or land shall be used, in whole or in part, which exceeds the densities specified below for ~~and~~ nonresidential uses.

a. Three thousand (3,000) gross square feet of nonresidential floor area per 10,000 sq. ft. of "buildable lot area" or portion thereof.

5. Setbacks and Yard Regulations for Buildings. No building shall be constructed so as to be nearer to the line of any street than the "required

setback distance" or nearer to the sidelines of its lot than the "required side yard width" or nearer to the rear line of its lot than the "required rear yard depth" specified below. The required setback distance shall be measured from the nearest exterior line of the street in question.

a. Required Setback Distance — 15 feet

b. Required Side Yard Width — N/A

c. Required Rear Yard Depth — 25 feet

6. Storage or Display. No storage or display of goods, products, materials or equipment, vending machines or similar commercial devices shall be located nearer to the line of any street than the permitted setback distance for a building on the lot.

7. Change of Lot. No lot on which a building is located shall be reduced or changed in size or shape so that the building or lot fails to comply with the "buildable lot area", frontage, building coverage, yard setback, or other dimensional provisions of this Section.

8. Height Regulations. No building shall be constructed to exceed forty (40) feet in height or a total of three (3) stories whichever is lower.

9. Buildings within the central business area that are permitted to have zero setback from the line of Washington Street are limited to two (2) stories and twenty-seven (27) feet in height, for a horizontal distance of 30' perpendicular to the line of Washington Street. Beyond 30' the provisions of section 9.7.9.8 Height Regulations shall apply.

9.7.10 Priority Revitalization Area "A"; Common Open Land. At a minimum, each site shall have thirty percent (30%) of its lot area designated as Open Space or Common Open Land for use by the general public. The contiguous open space shall be located between the side line of the frontage street and the front face of the proposed structure nearest to Washington Street. The open space shall have a shape, dimension, character and suitable to assure its use for park or open space purposes by the general public, and seventy-five percent (75%) of the land to be considered as Common Open Land shall be contiguous and no piece of land to be included as part of the calculation of Common Open Land shall consist of a piece less than 200 square feet in size.

9.7.11 Priority Revitalization Area "A"; Parking Requirements. In Priority Revitalization Area "A", there shall be provided and maintained improved off-street automobile parking in connection with the erection, establishment or

increase in units or dimensions of buildings, structures and uses, in the following amounts:

1. For restaurants and other on premises eating and drinking establishments, not less than one (1) parking space for each six (6) seats, subject to the discretion of the ~~Zoning~~ Board of Appeals to require additional parking space. Where benches are used, not less than one (1) parking space for each six (6) feet of bench, subject to the discretion of the ~~Zoning~~ Board of Appeals to require additional parking space.

3. For retail stores and offices including salesrooms and showrooms, consumer service establishments, public administration buildings, business and professional offices, executive and administrative offices, banks and other financial institutions one parking space for each two hundred fifty (250) square feet of gross floor area. For the purpose of this section, "gross floor area" means the total floor area contained within exterior walls, but does not include basement space used for heating and utilities, storage or for automobile parking.

4. Uses not listed herein shall comply with the parking space requirements of the Zoning By-Law Section 5.1 Off-Street Parking.

9.7.12. Priority Revitalization Area "A"; Below Grade Structured Parking. Below grade automobile parking shall be permitted within the basements of buildings provided that such "structured basement" automobile parking is exclusively reserved for motor vehicles of employees of the development.

1. Below grade structured parking may be designed to allow two cars to park in "tandem". In such cases, each of the two "tandem" parking spaces shall be counted as providing a parking space for the purpose of meeting the off street parking requirement of this by-law. "Tandem" parking is defined as two parking spaces placed one behind another in single file.

9.7.13 Priority Revitalization Area "A"; Miscellaneous Parking Requirements.

1. In the case of mixed uses, the parking spaces required shall be the sum of the requirement for the various individual uses, computed separately in accordance with this section. Parking spaces for one use shall not be considered as providing the required parking spaces for any other use unless it can be clearly demonstrated to the ~~Zoning~~ Board of Appeals that the need for parking occurs at different times.

2. A change in the use of the premises or in the configuration of the building or lot subject to a special permit and site development and use plan issued pursuant to this Section shall require the special permit holder to apply to the Board of Appeals for a modification of the number of off street parking spaces required pursuant to such special permit and plan if such change, alone or in combination with previous changes, would require an increase or decrease of more than 10% in the number of off street parking spaces required pursuant to this Section.

3. Off-street automobile parking spaces, to the extent required in this section, may be provided either on the same lot or premises with the parking generator or on any lot or premises associated therewith a substantial portion of which at least is within three hundred (300) feet of the generator.

4. Off-street parking facilities and connecting drives between such facilities and the street shall be designed to insure the safety and convenience of persons traveling within or through the parking area, and between the parking facility and the street. The provisions of Section 6.1 Design Standards shall be considered the minimum criteria for evaluating such design.

5. In addition to the requirement for automobile parking spaces there shall also be provided for each building or group of buildings sufficient off-street loading space to insure that all loading operations take place off the public way. Loading spaces and access drives leading to loading spaces shall be so designed that vehicles to be loaded or unloaded are not required to maneuver in the public way to enter or leave the designed loading area. The provisions of Section 6.2 Loading Areas shall be considered the minimum criteria for evaluating such design.

9.7.14 Priority Revitalization Area "A"; Signs and Advertising Devices. The provisions of Section 6.3 Signs is adopted for the regulation and restriction of billboards, signs and other advertising devices with the Canton Center Economic Opportunity District.

9.7.15 Priority Revitalization Area "A"; Certified Acoustical Barriers. No activity or use shall be allowed which causes exterior noise levels to exceed a day-night average sound level of 65 decibels ( $65 L_{dn}$ ) at the lot line; no dwelling unit shall be located where exterior noise levels exceed a day-night average sound level of 65 decibels ( $65 L_{dn}$ ); and no dwelling unit shall be constructed which allows interior noise levels to exceed a day-night average sound level of 45 decibels ( $45 L_{dn}$ ). The day-night average sound level ( $L_{dn}$ ) is the 24-hour average sound level, in decibels; resulting from the accumulation of noise from all sources contributing to the external noise environment of the

site with 10 decibels added to sound levels occurring from 10:00 a.m. to 7:00 p.m. The day-night average sound level ( $L_{dn}$ ) shall be determined in accordance with The Code of Federal Regulations Title 24-Housing and Urban Development, Part 51 Environmental Criteria and Standards (24 CFR 51).

9.7.16 Priority Revitalization Area "B"; Purpose. The Revitalization Area "B" is established for the accomplishment of the following purposes:

1. To promote the economic health and stability of the Town by encouraging development and economic investment in the Canton Center that will generate employment and tax revenue.
2. To provide additional planning flexibility for projects and to enhance the coordination of the project with the environmental and natural features of the development site.
3. To encourage mixed-use development of business and professional offices.
4. To permit the use of new development standards which will retain the sites' present character.
5. To provide information on the potential impacts of a proposed development.
6. To enable the Special Permit Granting Authority (SPGA) to require adherence to "Site Development and Use Plans" in the granting of a special permit.

9.7.17 Priority Revitalization Area "B"; Definitions. For the special purposes of Revitalization Area "B", the following words and phrases shall have the meaning hereinafter indicated:

**Applicant:** The person or persons, including a corporation or other legal entity, who applies for issuance of a special permit for construction of a Revitalization Area "B" development, within Revitalization Area "B" hereunder. The applicant must own, or be the beneficial owner of, all the land included in the proposed site, or have authority from the owner(s) to act for him or hold option or contract duly executed by the owner(s) and the Applicant giving the latter the right to acquire the land to be included in the site.

Buffer: An area within the Revitalization "B" Development adjacent to the boundaries, streams and ponds, which may not be developed except as provided herein.

Business and Professional Office: The office of one skilled in an occupation that primarily services clients or patients rather than retail customers including, but not limited to the office of a doctor, lawyer, dentist, architect, engineer, landscape architect, real estate agent, insurance agent, or the studio of an artist, musician or teacher, or the workroom of a dressmaker or milliner or photographer.

Development Schedule: A schedule showing the order and timing of construction and the sequence of the improvements to be built or furnished in the Revitalization Area "B" site, separated into stages where applicable.

Height Regulations: Building height shall be limited as set forth in this Section and measured as set forth in the State Building Code 780 CMR 101.0 et seq.

Open Space: Open Space is defined as an area of land containing no building or structure, or impervious material. In the event that natural materials (i.e. brick, pavers, etc.) are used in the construction of walkways, courtyards, patios, etc., allowing such surfaces to be pervious, the area of these surfaces can be credited toward the open space requirement.

Regulations: The applicable rules and regulations of the ~~Zoning~~ Board of Appeals relative to special permits and site plans. The ~~Zoning~~ Board of Appeals, as the Special Permit Granting-Authority, reserves the right to modify and/or waive any and all requirements described in this Section.

Upland: Land without a wet area and not subject to flooding.

Wetlands: All land subject to the provisions of Massachusetts G.L. c. 131, ss. 40 and 40A and/or the Town's Wetlands By-Law.

9.7.18 Priority Revitalization Area "B"; Scope of Authority. Revitalization Area "B" is an overlay zoning district. If the landowner selects to file a development plan in conformance with the requirements of Revitalization Area "B", the development shall conform to the objectives, standards and criteria specified by the Revitalization "B" overlay zoning by-law. If the landowner selects to file a development plan in conformance with the requirements of underlying zoning district, the development shall conform to

the objectives, standards and criteria specified by the underlying zoning district.

9.7.19 Priority Revitalization Area “B”; Special Permit Granting Authority. The Board of Appeals is hereby designated as the Special Permit Granting Authority (SPGA) for all purposes in Revitalization Area "B". All special permit applications shall conform to the standards and criteria of this Section and the ~~Zoning~~ Board of Appeals Rules and Regulations ("Regulations") governing the administration of applications for special permits.

9.7.20 Priority Revitalization Area “B”; Applicability. In Revitalization Area "B", no building shall be constructed or externally enlarged, and no use shall be expanded in ground area, or established in an existing building except in conformity with a special permit issued by the Board of Appeals and a Site Development and Use Plan that bears the endorsement of approval by the Board of Appeals. Requirements and Procedures for approval of such Site Development and Use Plan shall be in accordance with Section 10.5 and this Section.

9.7.21 Priority Revitalization Area “B”; Special Permit Criteria. In addition to the specific criteria set forth in Section 10.4, the SPGA shall issue a special permit for development within the Revitalization Area "B" only after consideration of the project's compliance with the following additional criteria:

1. Adequacy of the site in terms of the size of the proposed use(s);
2. Suitability of the site for the proposed use(s);
3. Impact on traffic and pedestrian flow and safety;
4. Impact on the visual character of the neighborhood;
5. Adequacy of utilities, including sewage disposal, water supply and storm water drainage; and
6. Degree to which the proposed project complies with the goals of the Canton Center Revitalization Plan and the provisions of this Section.

9.7.22 Priority Revitalization Area “B”; Specially Permitted Uses. Within Revitalization Area "B", the Board of Appeals may issue a special permit for the following uses. No building or structure shall be designed, arranged or constructed and no building, structure or land shall be used, in whole or in

part, for any purpose other than for one or more of the uses herein set forth as permissible by special permit.

1. Business and Professional offices.
2. All uses allowed by right in the underlying zoning district.

#### 9.7.23 Priority Revitalization Area "B"; Standards.

1. **Minimum Lot Size.** The minimum lot size is 10,000 square feet of lot area. The lot must be a single, contiguous site within the boundaries of Revitalization Area "B." No portion of a way or street, as defined by the by-law may be included in computing the minimum required lot area.

2. **Lot Coverage.** No building shall be constructed so as to cover, together with any other building on the lot, more than thirty (30%) percent of the lot area.

3. **Minimum Lot Frontage and Access.** Lots shall have a minimum of seventy-five feet (75') of continuous frontage. Each means of ingress/egress shall have a continuous frontage of not less than seventy-five feet (75').

4. **Density, Mix of Uses and Infrastructure Standards.** Within a Revitalization Area "B" Development, no building or structure shall be designed, arranged or constructed and no building, structure or land shall be used, in whole or in part, which exceeds the densities, either individually or in combination, specified below.

a. No building shall be constructed so as to cover, together with any other building on the lot, more than thirty percent (30%) of the lot area.

b. Two thousand (2,000) gross square feet of non-residential floor area per 10,000 sq. ft. of lot area or portion thereof.

5. **Infrastructure Standards.** All utilities and services shall be placed underground. Private driveways servicing the site shall be sized to adequately serve the intended vehicular and pedestrian traffic. Private driveways shall strive to conform to the Rules and Regulations of the Canton Planning Board governing the subdivision of Land, the Canton Department of Public Works Regulations regarding water, sewer and storm drainage, and any other applicable regulation and/or standards of the town.

6. Setbacks and Yard Regulations for Buildings. No building shall be constructed so as to be nearer to the line of any street than the "front yard setback requirements" or nearer to the sidelines of its lot than the "side yard setback requirements" or nearer to the rear line of its lot than the "rear yard setback requirements" or on a lot that does not comply with the lot width requirements specified below.

7. Lot Width Requirements: Each lot shall have a lot width of not less than one hundred feet (100') at the front yard setback line and the rear yard setback line.

8. Front Yard Setback. Each lot shall have a front yard setback requirement of not less than thirty feet (30') and a side yard setback requirement of not less than ten feet (10') from the nearest point on any exterior wall of the building.

9. Rear Yard Setback. Each lot shall have a rear yard setback requirement of not less than thirty-five feet (35').

10. Height Regulations. No building shall be constructed to exceed the height of the underlying zoning or thirty-six feet (36'), whichever is lower. Maximum building height shall be measured as set forth in the State Building Code 780 CMR 101.0 et seq.

9.7.24 Priority Revitalization Area "B"; Open Space, Common Open Land and Buffers. At a minimum, each site shall have thirty percent (30%) of its lot area designated as Open Space. Open Space is defined as an area of land containing no building or structure or impervious material.

1. The proposed development is encouraged to have Common Open Space for use by the general public. The Common Open Space shall have a shape, dimension, character and location suitable to assure its use for park or open space purposes by the general public. Such Common Open Space may be provided as a condition for the grant of a special permit pursuant to this Section authorizing an increase in the otherwise permissible density of population or intensity of a particular use in a proposed development pursuant to the requirements of this Section.

2. Areas which shall be credited toward the Open Space requirement include

a. Side, rear and front yard setbacks.

b. Buffer areas.

c. The area of surfaces that use natural materials (i.e. brick, bluestone, etc.) in the construction of walkways, courtyards, patios, etc.

d. Common Open Space.

9.7.25 Priority Revitalization Area "B"; Parking Requirements. In Revitalization Area "B", there shall be provided and maintained improved off-street automobile parking in connection with the erection, establishment or increase in units or dimensions of buildings, structures and uses, in the following amounts:

1. Nonresidential uses shall comply with the parking space requirements of the Zoning By-Law Section 6.1 Off-Street Parking.
2. Below grade structured automobile parking shall be permitted within the basements of buildings provided that such "structured basement" automobile parking is exclusively reserved for motor vehicles of employees of the development.
3. The parking spaces required shall be the sum of the requirement for the various individual uses, computed separately in accordance with this Section. Parking spaces for one use shall not be considered as providing the required parking spaces for any other use.
4. A change in the use of the premises or in the configuration of the building or lot subject to a special permit and site development and use plan issued pursuant to this Section shall require the special permit holder to apply to the Board of Appeals for a modification of the number of off street parking spaces required pursuant to such special permit and plan if such change, alone or in combination with previous changes, would require an increase or decrease of more than 10% in the number of off-street parking spaces required pursuant to this Section.
5. Off-street automobile parking spaces, to the extent required in this Section, shall be provided on the same lot or premises with the parking generator.
6. Off-street parking facilities and connecting drives between such facilities and the street shall be designed to insure the safety and convenience of persons traveling within or through the parking area, and between the parking facility and the street. The provisions of Section 6.1 shall be considered the minimum criteria for evaluating such design.

7. In addition to the requirement for automobile parking spaces there shall also be provided for each building or group of buildings sufficient off-street loading space to insure that all loading operations take place off the public way. Loading spaces and access drives leading to loading spaces shall be so designed that vehicles to be loaded or unloaded are not required to maneuver in the public way to enter or leave the designated loading area. The provisions of Section 6.2, Loading Areas, shall be considered the minimum criteria for evaluating such design.

9.7.26 Priority Revitalization Area “B”; Signs and Advertising Devices. The provisions of Section 6.3 are adopted for the regulation and restriction of billboards, signs and other advertising devices within the Revitalization Area "B".

9.7.27 Priority Revitalization Area “B”; Certified Acoustical Barriers. No activity or use shall be allowed which causes exterior noise levels to exceed a day-night average sound level of 65 decibels at the lot line; no dwelling unit shall be located where exterior noise levels exceed a day-night average sound level of 65 decibels; and no dwelling unit shall be constructed which allows interior noise levels to exceed a day-night average sound level of 45 decibels. The day night average sound level ( $L_{dn}$ ) is the 24-hour average sound level, in decibels, resulting from the accumulation of noise from all sources contributing to the external noise environment of the site with 10 decibels added to sound levels occurring from 10:00 a.m. to 7:00 p.m. The day-night average sound level shall be determined in accordance with The Code of Federal Regulations, Title 24 Housing and Urban Development, Part 51 Environmental Criteria and Standards (24 CFR 51).

## 9.8 Performance Standards

The provisions of section 6.7 entitled Performance Standards shall apply to applications for special permit and/or Site Plan Approval under both CCEOD Priority Revitalization Area “A” and CCEOD “B”.

**Or take any other action in relation thereto.**

**Planning Board**