

**ARTICLE \_\_\_\_\_**  
**ANNUAL TOWN MEETING APRIL 30, 2012**

**Amend Zoning By-Law by adding 'Priority Revitalization Area C' to Section 9.8  
(Canton Center Economic Opportunity District ByLaw)**

**Article \_\_\_\_\_**

To see if the Town will vote to amend the Zoning Bylaws as follows, or to take any other action, relative thereto:

By deleting Sections 9.8 and 9.8.1 and replacing them with new Sections 9.8 and 9.8.1 and adding the new Sections 9.8 and 9.8.1 a new **Section 9.8.34**.

9.8 Canton Center Economic Opportunity District By-law (CCEOD)

9.8.1 Subdistricts. The CCEOD is divided into three separate and distinct subdistricts of Canton Center as follows:

**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.

**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.

**Priority Revitalization Area "C":** That area of Canton Center that runs along Revere Street from the boundary of the CCEOD Revitalization Area "A" to the intersection of the railroad bridge/tracks and Revere Street, a distance of approximately 2,500 linear feet.

Priority Revitalization Areas "A" and "B" are shown on a map entitled "Canton Center Economic Opportunity District (Priority Revitalization Area "A" and Priority Revitalization Area "B") prepared by the Canton Planning Department and dated December 20, 2004.

Priority Revitalization Area "C" is shown on a map entitled "Canton Center Economic Opportunity District (Priority Revitalization Area "C") prepared by the Canton Planning Departmental dated December 14, 2007.

The maps described immediately above are hereby incorporated by reference in this Section 9.8. Section 9.8 is hereby further amended by adding the following New Section:

**9.8.34 Priority Revitalization Area "C"**

The benefits described in this Section 9.8.34 shall apply only to those parcels located entirely within the boundary of the Priority Revitalization Area "C".

Priority Revitalization Area "C" is established for the accomplishment of the following purposes:

- A. To promote the economic health and stability of the Town by encouraging development and economic investment in Canton.

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

- Development of parks and open spaces on Common Open Land as a condition for the grant of a special permit pursuant to this Section 9.8.34 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 9.8.34, These parks and open spaces may be open to the general public as designated in the approved site plan.
- Protection, enhancement, and adaptive reuse of historical significant buildings as agreed to by the applicant in coordination with the Canton Historical Commission and the State Historical Commission.
- Protection and enhancement of the natural environment, including rivers, waterways, and wildlife corridors as required by the Canton Conservation Commission, DEP and NHP. The revitalization plan must be sensitively designed and constructed to avoid the disruption of wildlife.
- Provide public access and walking trails along waterways, connections to the MBTA train stations and to Canton Center.
- Protection of scenic vistas with advice and input from the Canton Trails Commission.

C. To encourage mixed-use development, including but not limited to, offices, retail shops, and multi-family housing. No more than forty percent (40%) of the non-residential uses can be office. Mixed use development includes:

- Small-scale village-oriented development in accordance with prescribed review and approval procedures and according to design standards that are particular to the CCEOD Residential Area "C".
- Multi-family and/or Town houses, including but not limited to housing for individuals fifty-five (55) years of age or older pursuant to Massachusetts General Laws c. 151B,
- Low and/or moderate income housing available to families with incomes at or below eighty percent (80%) of the Area Median Income as defined by the United States Department of Housing and Urban Development.
- Senior Housing including Independent Living Facilities, Institutional Living Facilities (Assisted Living and Skilled Nursing Facilities), and ancillary facilities and amenities.
- Museums, farmers markets, and cultural establishments, small business incubator space, artist studios and galleries, open space and river access, community gathering space, indoor and outdoor performance space.
- Office, scientific or research laboratory and research and development uses.

- Small scale retail sales and service establishments and restaurants serving primarily the mixed-use development.

D. To permit the use of new development standards which will promote the desired changes in and near Canton Center, for example:

- To encourage a mix of commercial and residential uses that help to contain traffic within the revitalization area and by so doing limit impacts to residential portions of the community.
- To enable the Special Permit Granting Authority (SPGA) to require adherence to "Site Development and Use Plans" in the granting of a special permit.
- To create regulatory procedures for determining appropriate locations for uses defined herein.
- To provide for development in a manner that strives to create a harmony between residential and non-residential neighborhoods, protects existing abutting neighborhoods, and minimizes the development impact on nearby neighborhoods, while striving to conserve and enhance environmental features, woodlands, wet areas, the Canton River, open spaces and areas of scenic views, beauty, and vistas such as, for example, the Viaduct.

#### **E. Master Plan and Report and Special Permit Findings**

In addition to the requirements of Section 10.4 of the Zoning Bylaw for submission of a special permit application, the applicant will prepare Master Plan and Impact Plan and Report addressing the environmental issues, including without limitation water quality, pollution of groundwater, damage, or threat to wetlands, flood plains, and plants and animals and the municipal impacts associated with the Project.

The applicant will prepare a Site Plan in conformity with the SPGA rules governing special permits.

In addition to the specific criteria contained within this section, the SPGA shall issue a special permit for development within Priority Revitalization Area "C" only after consideration of the project's compliance with the following additional criteria:

1. That the proposed project will be in harmony with the general purpose of the Zoning Bylaw and the requirements of this Section 9.8.34, General Laws, Chapter 40A, and the long range Open Space Plan of the town; that it will not have a detrimental impact on the neighborhood, will be designed with due consideration for health and safety, preserving open space, minimizing environmental disruption, or allowing for more efficient provision of services and traffic circulation.

2. That the project itself does not have unmitigated adverse impact upon critical environmental areas such as:

2.1 Land abutting rivers, brooks and/or ponds of significant public interest, which enhances or protects wetlands or flood plains, or which provide public access to the water body, or which enhance or provide scenic vistas or views, or which provide water-related recreation opportunities;

2.2 Land which provides a significant wildlife habitat or which is a unique natural area; and

2.3 Groundwater Protection District and/or land which provides recharge to Canton's current or future wells and highly favored aquifer areas;

3. That the "Common Open Land" and other open land protect critical environmental areas and provides a valuable outdoor recreation resource, such as:

3.1 Common Open Land or open land which is to be developed for active or passive recreational uses;

3.2 Land which preserves existing trail networks or land on which new trails will be developed for integration into existing and proposed trail networks;

3.3 Land which enhances scenic views; or

3.4 Land providing desirable public access to existing or proposed recreational or conservation land.

4. That land is to be conveyed to, or restricted for the benefit of the public that:

4.1 Enhances or protects critical environmental areas, unique natural features, scenic vistas, or potential open space.

4.2 Provides a valuable addition to the open space resources of the Town.

4.3 Provides for a more efficient use of the land in harmony with its natural features.

4.4 Provides for creativity in the design of developments through a carefully controlled process

4.5 Provides a less sprawling form of development, a shorter network of streets and utilities and more economic development of land with less consumption of open space.

4.6 Permanently preserves natural topography and wooded areas within development areas and preserves useable open space close to homes.

4.7 Provides an efficient procedure to ensure appropriate high quality design and site planning to enhance the neighborhoods in which they occur and to the Town as a whole.

5. That the design or redesign of buildings shall acknowledge and respect the surrounding existing pattern of development, open space, and natural resources, such as, for example, the Canton River and the Viaduct, including without limitation:

5.1 Promoting the thoughtful design or redesign of buildings.

5.2 Enhancing the open space between existing and proposed buildings.

5.3 Promoting the visual and functional quality of Canton Center.

5.4 Promoting bicycles and pedestrian trails.

5.5 Providing pedestrian links to Canton Center and the existing MBTA train stations (Canton Junction and Canton Center).

6. That the Project protects or enhances the adaptive reuse of historically significant buildings as agreed to by the applicant in consultation with the Canton Historical Commission and/or the State Historical Commission.

### 9.8.34 Definitions

For the purposes of Section 9.8.34, the following words and phrases shall have the meaning hereinafter indicated:

**Applicant:** The person or persons, including without limitation a corporation or other legal entity, who applies for issuance of a special permit for construction of a CCEOD Revitalization Area "C" project, hereunder.

**Buffer Area:** An area within the CCEOD Revitalization Area "C" adjacent to the boundaries, streams, rivers, ponds, which may not be developed except in accordance with the Massachusetts Wetlands Protection Act and its implementing regulations (MGL Chapter 131, Sections 40 and 40A, and 310 CMR 10.00) and other requirements herein.

**Building Height:** Building height shall be measured as set forth in this section 9.8.34 and measured as set forth in the State Building Code 780 CMR 101.0 et seq. Height shall be subject to the provisions of Section 4.3 of the By-Law.

**Buildable Lot Area:** Buildable Lot Area excludes any land defined as a Resource Area below

**Buildable Lot:** A "Buildable Lot" shall be a single continuous tract of land including at least the minimum amount of Buildable Lot Area required herein and located entirely within the Development Parcel and CCEOD Priority Revitalization Area "C".

**Common Open Land:** Any area of land containing no building, structure, parking areas, driveways or roadways other than those structures and/or facilities which are used for recreational and/or public use.

**Community Center:** A building that provides a gathering place for all residents of the development and citizens of the town to meet. There should be a meeting space and rooms for different activities.

**Development Parcel:** One or more Lots within the CCEOD Priority Revitalization Area "C" which are designated as a Development Parcel on a Site Development and Use Plan. The Lots comprising a Development Parcel need not be in the same ownership. Where the Development Parcel consists of more than a single Lot, the Lots, in combination, shall be treated as the Development Parcel, may be contiguous or non-contiguous, and shall be considered one 'Development Parcel' for the purposes of this Section 9.8.34.

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

**Gross Floor Area:** Total floor area contained within exterior walls, excluding basement space and spaces used for heating and utilities, storage and/or automobile parking.

**Lot:** A "Lot" shall be a single continuous tract of land located entirely within the Development Parcel and CCEOD Priority Revitalization Area "C".

**Low and/or Moderate Income Housing:** Housing available to families with incomes at or below eighty percent (80%) of the Area Median Income as defined by the United States Department of Housing and Urban Development.

**Mixed-Use Development:** A development that contains both residential and non-residential development.

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

**Project:** A residential, commercial or mixed-use development seeking a special permit under this Section 9.8.34 and identified on a Site Development and Use Plan.

**Regulations:** The applicable rules and regulations of the Board of Appeals relative to Special Permits. The Zoning Board of Appeals, as the Special Permit Granting Authority is authorized to modify and/or waive any of the requirements described in this section with the exception of those relative to use and dimensions upon making a finding that such waiver shall better serve the purposes of this Section 9.8.34.

**Research & Development:** A company that conducts research and development.

**Resource Area:** All land subject to jurisdiction under 310 CMR 10.02(1)(a) and (b).

**Revere Street Sub-Area:** Assessors Map 26 Lot 111 of Priority Revitalization Area "C".

**Small-Scale Retail:** Retail stores with a gross floor area of 10,000 sqft or less.

**Upland Acres:** Land area without a "Resource Area".

All items not defined herein shall have the meanings ascribed to them elsewhere in the Zoning Bylaws.

### **9.8.36 Scope of Authority**

The provisions of Section 9.8.34 shall not restrict the owner's rights relative to the underlying zoning districts. However, if the owner elects to apply for a special permit under Revitalization Area "C", the development shall conform to the requirements of any special permit issued pursuant to Section 9.8.34.

If the landowner elects to "use" a development plan in conformance with the requirements of the CCEOD Revitalization Area "C" on a portion of a single contiguous tract of land the entire contiguous tract of land shall conform to the objectives, standards, and criteria specified by this Section 9.8.34 and the landowner shall be prohibited from filing a development plan in

conformance with the requirements of the underlying zoning district on any portion of such a contiguous tract of land.

### **9.8.37 Special Permit Granting Authority**

The Zoning Board of Appeals is hereby designated as the Special Permit Granting Authority (SPGA) for all purposes under Sections 9.8.34, 9.8.35 and 9.8.36. All special permit applications shall conform to the standards and criteria of this Section 9.8.34 and the Zoning Board of Appeals Rules and Regulations governing the administration of applications for special permits.

Under Section 9.8.34, 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 Site Development and Use Plan that bears the endorsement of approval by the Board of Appeals. Requirements and Procedures for approval shall be in accordance with Sec. 6.6 ("Performance Standards").

Construction or operations under a building permit or a special permit shall conform to any subsequent amendment of the Zoning By-law, unless the use or construction is commenced within a period of not less than two (2) years after the issuance of the permit and such construction is continued through to completion as continuously and expeditiously as is reasonable.

The SPGA may require issuance of a bond as a guarantee for the open space and recreation improvements required by the approved "Site Development and Use Plan".

### **9.8.38 Objectives**

In addition to the specific criteria contained within this section, the SPGA shall issue a special permit for development within Revitalization Area "C" only after consideration of the project's compliance with the following additional criteria:

- A.** Adequacy of the site in terms of the size of the proposed use(s);
- B.** Adequacy of the provision of open space, its accessibility to the general public, and/or its association with adjacent or proximate open space areas;
- C.** Suitability of the site for the proposed use(s);
- D.** Impact on traffic and pedestrian flow and safety;
- E.** Impact on the visual character of the neighborhood; and
- F.** Adequacy of utilities, including sewage disposal, water supply and storm water drainage.

### **9.8.39 Uses Permitted**

Within Priority Revitalization Area "C", the SPGA may issue a special permit for the following uses:

- A. Residential Condominium Units**

1. At least twelve (12) percent of the total residential units must be Low and/or Moderate Income Housing. These units must be representative of the proportion of one, two & three bedroom units of the entire development. These units do not need to be equal in square footage to the non-restricted units.
2. Multi-family Houses and or Town Houses and ancillary facilities and amenities.
3. Senior Housing including Independent Living Facilities, Institutional Living Facilities (Assisted Living and skilled Nursing Facilities), and ancillary facilities and amenities.
4. To the extent at least twenty percent (20%) of the total residential units in a Development Project are restricted to individuals fifty-five (55) years of age or older pursuant to MGL Chapter 151B, the density for the uses in the development may be increased by up to 16% from that otherwise permitted in this By Law.

**B. Non-Residential Uses shall include, but not necessarily be limited to the following:**

1. Small-scale retail stores as defined in 9.8.35 Definitions.
2. Offices including salesrooms and showrooms, consumer service establishments, business and professional offices, executive and administrative offices, banks and other institutions.
3. Professional office as defined in 9.8.35 Definitions.
4. A restaurant with the conditions that any bar or cocktail lounge be located within the restaurant and shall be solely for the purpose of servicing luncheon or dinner customers; and not to compromise more than twenty-five percent (25%) of the floor area of the restaurant.
5. Bank or similar financial institution, including drive-through facilities.
6. Research & Development as defined in 9.8.35 Definitions
7. Accessory structured (whether at, below or above grade) surface parking.

**C. The following uses are specifically excluded:**

1. Fast food establishments as defined in Section 11.0 (“Definitions”) of the Canton Zoning By-laws
2. Drive-through for the sale of food. Any other drive-through, with the exception of banks and financial institutions noted above, shall require a separate special permit from the Zoning Board in addition to the special permit for the CCEOD Revitalization Area "C".

**D.** There shall be no deliveries or shipments between 10 pm and 7:00 a.m. Monday through Friday. There shall be no deliveries or shipments between 10 pm and 8:00 a.m. on weekends.

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.

#### **9.8.40 Standards and Criteria**

##### **A Minimum Development Size**

###### **1. Lot Requirements**

- 1.1 The minimum Lot must contain at least 10,000 sqft of Buildable Lot Area
- 1.2 No portion of a public way or public street, as defined by the by-law may be included in computing the minimum required Buildable Lot Area

###### **2. Development Parcel Requirements**

- 2.1 The minimum Development Parcel size is twenty-five (25) acres of Buildable Lot Area
- 2.2 No portion of a public way or public street, as defined by the by-law may be included in computing the minimum required Buildable Lot Area

##### **B. Building Coverage**

###### **1. Buildable Lot Requirements**

No building shall be constructed so as to cover, together with any other building on the Lot, more than thirty (30) percent of the Buildable Lot Area.

###### **2. Development Parcel Requirements**

No building shall be constructed so as to cover, together with any other building on the Development Parcel, more than thirty (30) percent of the Buildable Lot Area.

##### **C. Minimum Frontage and Access**

###### **1. Buildable Lot Requirements**

- 1.1 Each Lot shall have at least one means of ingress/egress.

1.2 The Zoning Board of Appeals may in its discretion require more than one means of ingress/egress where the Board of Appeals deems it necessary for the safety of the public and/or the residents of the property.

2. Development Parcel Requirements

2.1 Each Development Parcel shall have a minimum frontage on a street of two hundred and fifty (250) feet and at least two means of ingress/egress.

2.2 Each means of ingress/egress shall have a continuous frontage of not less than forty (40) feet

**9.8.41 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 residential and non-residential uses. Further, the intent of the allowable densities in this Section 9.8.41 is to provide flexibility for Projects. The specified densities are maximums for each individual type of use as if only that use is being proposed. Where a project includes a mix of uses, the maximum specified densities cannot be aggregated.

**A. Residential Uses**

Maximum permissible densities are as follows:

Multi-family housing and ancillary facilities and amenities:

One dwelling per 2,600 square feet of Buildable Lot Area or portion thereof, except in the Revere Street Sub-Area where the maximum permissible density shall be 1 dwelling unit per 3,500 square feet of Buildable Lot Area or portion thereof.

Multi-family housing and ancillary facilities and amenities, limited to housing for individuals fifty-five (55) years of age or older pursuant to Massachusetts General Laws c. 151B.

One dwelling per 2,600 square feet of Buildable Lot Area or portion thereof, except in the Revere Street Sub-Area where the maximum permissible density shall be 1 dwelling unit per 3,500 square feet of Buildable Lot Area or portion thereof.

Senior Housing including Independent Living Facilities, Institutional Living Facilities (Assisted Living and Skilled Nursing Facilities), and ancillary facilities and amenities,

One unit per 2,600 square feet of Buildable Lot Area or portion thereof, except in the Revere Street Sub-Area where the maximum permissible density shall be 1 dwelling unit per 3,500 square feet of Buildable Lot Area or portion thereof.

**B. Non-Residential Uses**

Maximum permissible density is as follows:

Two thousand (2,000) gross square feet-of non-residential floor area per 10,000 square feet, of Buildable Lot Area or portion thereof.

For the purpose of this section, "gross square feet of non-residential floor area" means the total non-residential floor area contained within exterior walls but does not include basement space used for heating and utilities or other mechanical uses for the building, storage or for automobile parking.

#### **9.8.42 Setbacks and Yard Regulations for Buildings**

No building shall be constructed so as to be nearer to the any lot line as specified below:

##### **A. Development Parcel**

1. Each Development Parcel shall have a front yard setback distance of not less than twenty-five (25) feet and a side yard setback of not less than fifteen (15) feet from the nearest point of any exterior wall of a building, except that if the side yard abuts a residential district or a building used primarily for residential purpose, a side yard setback of not less than twenty-five (25) feet from the nearest point of any exterior wall of the building is required..

2. Each development parcel shall have a rear yard setback of not less than twenty-five (25) feet.

##### **B. Buildable Lot**

1. Each Lot shall have a setback distance of not less than fifteen (15) feet from the nearest point of any exterior wall of the building to any non-permeable surface including but not limited to public ways or private ways, but excluding driveways, walkways, or parking areas. No part of any building shall be located less than fifteen (15) feet from any front, side or rear lot line.

- a. The SPGA may reduce the setback distance where appropriate because of specific physical circumstances, such as irregular lot lines or other natural features that create open space or buffers.
- b. No storage or display of goods, products, materials or equipment, vending machines or similar commercial devices shall be within the required front or side yard setback.
- c. 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.

#### **9.8.43 Height Regulations**

No building shall be constructed to exceed forty feet (40') in height or a total of three (3) stories, whichever is lower. However, if the underlying zone is Industrial the SPGA may allow additional height with a greater setback at its discretion but in no event shall Building Height exceed fifty feet (50') or four (4) stories.

Building height shall be measured as set forth in the State Building Code 780 CMR 5101 et seq.

#### **9.8.44 Common Open Land, Town Park and Community Building**

##### **Town Park:**

Each development shall have a minimum of thirty percent (30%) of its Buildable Lot Area designated as Common Open Land for use by the general public. Such area(s) shall have a shape, dimension, character and location suitable to assure its use for park or open space purposes by the general public. Twenty percent (20%) of the land shall be considered as a Town Park. The park will have walkways connecting it to both the development as well as the downtown. There will also be 'public parking' allocated for the park. The minimum size of the park will be 80,000 sqft

No land to be included as part of the calculation of Common Open Land, shall be a parcel less than 200 square feet in size.

##### **Transition Area:**

A "Transition Area" of fifteen (15) feet or a screen wall of adequate height shall be provided at the perimeter of the Development Parcel. The applicant shall file a landscape plan, prepared by a Massachusetts Registered Landscape Architect that demonstrates in the opinion of the Zoning Board of Appeals sufficient plantings to provide adequate screening. Buildable Lot Areas or portions thereof that are also designated as Transition Areas shall be included in the calculation of "Common Open Land".

The SPGA may reduce the width of the required "Transition Area" and modify other landscape requirements where the applicant demonstrates that suitable screening will be provided by other means such as fencing or topography, and that such reduction will not have material adverse impact on the surrounding neighborhood.

##### **Community Center:**

As part of a Site Development and Use Plan, there shall a Community Center for use by the occupants of the development and be open to the public. The size of the community center is directly linked to the number of bedrooms/units in the development. The community center shall be 25 square feet for every bedroom that is built, but not to exceed 15,000 sqft

#### **9.8.45 Parking and Loading Requirements**

In Priority Revitalization Area "C", 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:

- A. For dwelling units 1.5 parking spaces per each dwelling unit, except for Senior Housing units which require 1 parking space per unit.
- B. For restaurants and other on premises eating and drinking establishments, not less than one (1) parking space for each three (3) seats, plus one(1) parking space for every three (3) employees on the largest shift, 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.

- C. 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 or other mechanical equipment, storage or for automobile parking.
- D. Uses not listed in this Section 9.8.45 Parking Requirements, Subsections (A), (B) and (C) shall comply with the parking space requirements of the Zoning By-law Section 4.0 Off-Street Parking.
- E. In the case of mixed use projects, the parking spaces required shall be the sum of the requirements 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.
- F. Whenever, after the date of adoption of this By-law, there is a change in the lawful use of the premises or in any unit of measurement specified in Section 9.8.34 CCEOD Revitalization Area "C", which change separately or when combined with previous changes, creates a need for an increase or decrease of more than ten percent (10%) of the number of off-street parking spaces as determined by the provisions of this section, more off-street parking spaces shall, and fewer spaces may, respectively be provided within six months of the basis of the adjusted needs.
- G. 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 under common ownership or control a substantial portion of which must be within three hundred (300) feet of the generator.
- H. 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 6.6 ("Performance Standards") Design Standards shall be considered the minimum criteria for evaluating such design.
- I. In addition to the requirements 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 of 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 6.6

Loading Areas shall be considered the minimum criteria for evaluating such design.

- J. There shall be no deliveries or shipments to non-residential uses between 10:00 p.m. and 7:00 a.m. Monday through Sunday or between 10:00 p.m. and 8:00 a.m. Saturday and Sunday.

#### **9.8.46 Signs and Advertising Devices**

The provisions of Section 4.1 Signs and Advertising devices is hereby adopted for the regulation and restriction of billboards, signs and other advertising devices within the Canton Center Economic Opportunity District Revitalization Area "C".

#### **9.8.47 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 AM to 7:00 PM. 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).

#### **9.8.48 Affordable Units**

As a condition for the grant of a special permit pursuant to this Section 5.63 authorizing an increase in the otherwise permissible density in a proposed residential development pursuant to the requirements of this Section 5.63, at least twelve (12%) of the dwelling units shall be deed restricted in perpetuity for occupancy by families with incomes at or below eighty percent (80%) of the Area Median Income as defined by the United States Department of Housing and Urban Development.

Such affordable housing units shall be integrated into the overall development so as to prevent the physical segregation of such units and otherwise shall be indistinguishable from market rate units except in size and interior finishing and appliances

#### **9.8.49 Preference**

As a condition of approval, the SPGA shall require that to the maximum extent allowable under applicable law, Canton residents be given first preference in the purchase of affordable units. The fees for all services will be negotiated between the Authority and the Developer, within the CCEOD Development.

#### **9.8.50 Canton Housing Authority**

For those housing units specified as affordable, the SPGA shall require that, to the maximum extent allowable under applicable law, the owner of a CCEOD Development will work with the Canton Housing Authority so that otherwise qualified families on the Housing Authority's waiting list are given an opportunity to rent or buy a vacant unit.

**OR WHAT IT WILL DO IN RELATION THERETO.**

**NAME**

**ADDRESS**

**12 Williams Street**

**Paul A. Schneiders**