

CANTON PLANNING BOARD
REPORT AND MOTION
ANNUAL TOWN MEETING – MAY 9th, 2022

ARTICLE #37 ADD ZONING BY-LAW
Section 6.9 General Provisions for Commercial Mixed-Use District
(Board of Selectmen for Planning Board)

Article 37. To see if the Town will vote to add Zoning By-law Section 6.9 General Provisions for the Commercial Mixed-Use District as follows:

6.9 COMMERCIAL MIXED-USE DISTRICT

6.9.1 Purpose and Intent. The purpose of Section 6.9 is to facilitate building renovation and new development that contributes to vibrant, walkable, mixed-use neighborhoods. The standards set forth herein are intended to:

1. Promote development that is consistent with the Town’s vision to facilitate reinvestment and create a vibrant, authentic, diverse, connected, and resilient district.
2. Guide the physical character of development by providing context-based building and site development standards that reflect scale, design characteristics, and settlement patterns envisioned for the district.
3. Create a public realm with high quality streetscape, enhanced outdoor recreation areas, and active public and publicly-oriented gathering spaces that enhance development and reinforce pedestrian orientation and multi-modal transportation in the district.
4. Encourage a range of business development opportunities as well as food, entertainment, cultural, educational, and civic venues.
5. Encourage high quality housing production for a variety of age groups, household types, and income ranges.

6.9.2 Zoning Map and Regulating Plan. The Commercial Mixed-Use District (C-MU) are located and bounded as shown on a map entitled “Town of Canton Zoning Map”, copies of which are on file in the offices of the Town Clerk and Planning Departments.

6.9.3 Permitting Procedures – Authority. See Section 10.5 Site Plan Review.

6.9.4 Use Provisions/ Allowable Uses. See Zoning Bylaw Table of Use Regulations.

6.9.5 Dimensional Requirements. See Section 4.0 for Dimensional Requirements.

6.9.6 Parking. See Section 6.1 for Off-Street Parking Regulations.

6.9.7 Building Design Standards.

1. All 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;
2. Building finish materials may include, but shall not be limited to, brick or high-quality brick face, wood, stone or high-quality stone face. Vinyl, unfinished metal or fiberglass as a primary finished surface shall not be used;
3. Blank wall 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 walls;
4. 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;

5. Flat roofs may be allowed on multi-story buildings as long as the roofline projects outward from the building surface as a decorative cornice or parapet; and
6. 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.

6.9.8 Sign Design Standards. Sign design standards shall comply with the regulations in Section 6.3.8, plus the following:

1. Signs shall be made of wood (painted or natural), stone, copper, brass, galvanized steel, or painted/engraved on a façade surface; Or other material with similar appearance acceptable to the Zoning Board of Appeals.
2. Signs may only be incorporated into the skirt of awnings and not on the primary angled surface.
3. Freestanding directory signs are not permitted.

6.9.9 Site Design Standards.

1. Parking areas shall be located in the rear of buildings;
2. Street level frontage shall be devoted to entrances, open space amenity space, shop windows, or other displays;
3. Clear pedestrian pathways shall be provided between buildings on the same lot and between buildings on adjacent lots to ensure a continuous pedestrian pathway through the district;
4. Where the Commercial Mixed-Use District abuts a residential neighborhood, appropriate transitional features shall be used and may include landscaping, open space or parks, or streets with clearly designed pedestrian features;
5. 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;
6. Setbacks are consistent with the fabric of the existing street and do not preclude pedestrian access;
7. Adequate access for loading and emergency vehicles is maintained on one side of the building; and
8. Adequate natural lighting and air circulation for businesses and residents is maintained.

6.9.10 Outdoor Amenity Space Standards. Outdoor spaces should contribute positively to the public realm and provide high quality spaces for residents, patrons of on-site businesses, and to the general public. Landscape buffers, landscape strips, and the like do not count towards the required outdoor amenity space standards. The following are descriptions of allowable outdoor amenity spaces. See Section 11.0 Definitions for a description of these amenities.

1. Common Yard and Garden. Where applicable, a walkway should be provided between the public sidewalk and the front door.
2. Forecourt. Forecourts shall be a minimum width and depth of 12 feet and enclosed on 3 sides.
3. Community Garden. Community gardens should be a minimum of 5,000 S.F.; 90% permeable surfaces; and 1 tree/1,000 SF on average.
4. Common Green. Commons should be a minimum of 10,000 S.F.; 85% permeable surfaces; and 1 tree/2,000 SF on average.
5. Plaza/Square. Design Standards: Squares should be a minimum of 8,000 S.F.; 50% permeable surfaces; 1 tree/2,000 SF on average; and include public seating.
6. Pocket Park/ Playground. Pocket Parks should be a minimum of 800 S.F.; 80% permeable surfaces; and 1 tree/400 SF on average; and include seating and recreational equipment.
7. Pedestrian Passage. The minimum width shall be 10 feet; Hard surface such as asphalt, concrete, or paver stones is required; Lighting is required.
8. Outdoor Dining Terrace.
9. Rooftop Terrace. Terrace must be setback a minimum of 5 feet from any building wall and secured by a perimeter fence at least 4 feet tall.

10. Other Open Space Amenity Types. The Zoning Board may permit other types of open space amenity types.

6.9.11 Affordable Housing Requirements.

See Section 8.2 on Multifamily Dwellings.

6.9.12 Sustainable Design Standards.

1. Stormwater management. The stormwater management measures proposed for site development shall conform to the best management practices described in the most recent Commonwealth of Massachusetts Stormwater Management Handbook, as amended.
2. Sustainable landscaping. Natural and context-sensitive landscaping with plants native to local climate and soil conditions are required. No tree, shrub or plant shall be used that has been identified as an Invasive Species by the Massachusetts Plant Advisory Group in the most recent version of The Evaluation of Non-Native Plant Species for Invasiveness in Massachusetts (with annotated list,) or has been identified as invasive or banned on the Massachusetts Prohibited Plant List as periodically updated by the Massachusetts Department of Agriculture.

6.9.13 Commercial Mixed-Use District Special Permit. Applicants may apply for, and the Zoning Board of Appeals may grant, a Commercial Mixed-Use District Special Permit subject to the following provisions:

1. Purpose: In addition to the purposes identified in Section 6.9.1 of this bylaw, the purpose of a C-MU Special Permit is to provide coordinated mixed-use developments that include a diverse use profile and act as centers of commerce and activity within the overlay district.
2. Eligibility: To be eligible for a C-MU Special Permit, the site must include at least three (3) acres of continuous buildable land. For the purposes of this bylaw, land may be considered contiguous if it is separated by a road or by public open space that does not separate parcels in common ownership by more than two hundred (200) feet;
3. Use Profile: An applicant for a C-MU 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 Zoning Board shall include continued compliance with the proposed use profile as a condition of any Special Permit granted under this Section of the Bylaw.
 - a. The development area shall not contain residential use in more than ten percent (10%) of the total ground floor area;
 - b. If residential homeownership units (condos), the development shall contain a minimum of sixty percent (65%) residential use, but no more than eighty (80%) residential use; If residential rental units, the development shall contain a minimum of fifty-one (51%) residential use, but no more than eighty (80%) residential use.
 - c. The proposed development area shall not contain more than thirty percent (30%) office use; and
 - d. The proposed development area shall not contain more than thirty percent (30%) service industry use.
 - e. The proposed development area shall contain a minimum of five percent (5%) civic use
 - f. The proposed development area shall contain at least twenty (20%) of the site as outdoor amenity space accessible to the public.
4. Height Bonuses: Upon petition by an applicant for a C-MU Special Permit, the Zoning Board may allow for maximum building heights to be fifty (50) feet. The Zoning Board shall not allow for buildings to have more than four and a half (4.5) stories above the street level grade. Applicants may increase the overall density of their project to meet these height limitation increases provided that the applicant complies with all other requirements of this bylaw including, without limitation, those for parking, design and other dimensional requirements.

5. Frontage: As a part of the C-MU Special Permit application, the Zoning Board may authorize frontage as low as forty (40) feet.
6. Additional Design Standards: In addition to those design standards listed in Section 6.9.7, 6.9.8, 6.9.9, and 6.9.10 of this bylaw, applications for a C-MU Special Permit shall also meet the following standards:
 - a. Buildings: At least sixty (60%) of the first floor of a newly constructed building façade (non-residential or mixed use only) shall be transparent, where it faces the main street or as determined by the Zoning Board of Appeals.
 - b. Site Design: Buildings shall be arranged in a manner that optimizes the ability of residents and consumers to access public spaces and pedestrian amenities. Buildings shall be oriented toward each other in a way that minimized conflicts between pedestrians and automobiles. Open space provided pursuant to 6.9.10, of this bylaw shall be designed as a public gathering space. 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 extent possible. Features that may be used to create open space areas acceptable to the Zoning 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.
 - c. Open Space Ownership and Maintenance: As a condition of a Special Permit, the Zoning 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.
7. Application Process and Requirements: Applicants for a C-MU Special Permit shall comply with the Special Permit Procedures outlined in Section 10.4 and shall provide all applicable information for a full site plan review pursuant to Section 10.5.

6.9.14 Height and Density Bonuses: Upon petition by the applicant for a C-MU Special Permit, or if certain public benefit improvements are made by the applicant (see below), the Zoning Board may allow for a maximum building height to be fifty (50) feet. The Zoning Board shall not allow for buildings to have more than four and a half (4.5) stories above the average grade plane. Applicants may increase the overall density of their project to meet these height limitation increases provided that the applicant complies with all other requirements of this bylaw including, without limitation, those for parking, design and other dimensional requirements.

Public benefit improvements that qualify an applicant for a height and/or density bonus, by special permit:

1. Upland land acquisition or donation to the Town or a designated non-profit agency for the purpose of publicly accessible active or passive recreation in desirable locations within the C-MU District or surrounding area.
2. Additional sidewalks and pathways along a public way, which connect to another public sidewalk or pathway, beyond what is required for the development.
3. Additional streetscape improvements such as street trees and furnishings on public streets or contribution of land suitable for a public way or public streetscape improvements, beyond what is required for the development.
4. Public parking spaces and publicly-accessible parking facilities.
5. Additional affordable housing units above the number required by Section 8.2.

6.9.15 Approval of Density Bonus Improvements. All public benefit improvements used for the density bonus shall have been recommended in planning documents approved by the Zoning Board. In order to make this determination, the following are required:

1. The applicant shall provide the Planning Board and Zoning Board of Appeals with a written description of the intended improvements, the public benefit provided, significance to the Town, provision for maintenance if required, applicant's cost estimates, and a sketch plan showing the location and type, size and extent of improvements.
2. The Zoning Board of Appeals may require a bond to cover the cost of any improvements that will be constructed, or a binding agreement approved by Town Counsel, to remain in place until the improvements are completed to the satisfaction of the Town.
3. A specific time frame for the completion of all required off-site improvements shall be incorporated as a condition of approval of the Planning Board.
4. The applicant shall provide a list of all permits and approvals required relating to any proposed public benefit(s) with the application. These approvals shall be obtained prior to approval of the development, unless an exception for good cause is explicitly authorized by the Planning Board.
5. The Zoning Board of Appeals shall be under no obligation to grant such density bonus and may determine, in its sole discretion, whether the offered improvements are sufficient in nature, scope, cost or otherwise, to justify such bonus. The offer and commitment by an applicant to provide all or any number of the above enumerated examples does not, in and of itself, justify or require the Zoning Board to grant such density bonus.

6.1.16 Severability. If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby.

or to take any other action related thereto.

PUBLIC HEARING:

This is to certify that a public hearing concerning the subject matter above, as place on the warrant for the 2022 Annual Town Meeting, was held by the Planning Board on February 16th, 2022 at 5:30 P.M. and continued to March 2nd, 2022 at 6:00 P.M., in the Salah Meeting Room, Town Hall, 801 Washington Street, Canton, Massachusetts, in accordance with the provision of the Massachusetts General Laws, Chapter 40A.

Said amendment is contained, in its entirety, in a document available for public review on file in the office of the Planning Board, the Town Clerk, the Board of Selectmen, at Memorial Hall, and at the reference desk of the Canton Public Library. It is also available online on the Planning Department website.

Notice of the subject matter for the public hearing, sufficient for identification, has been published in the Canton Citizen, a newspaper of general circulation in the Town on January 27th and February 3rd, 2022.

REPORT:

On February 16th, and again on March 2nd, 2022, the Planning Board discussed the proposed article to add Section 6.9 General Provisions for Commercial Mixed-Use District. The goal of this article is to establish general provisions for a newly created Commercial Mixed-Use District. This is consistent with the goals and recommendations stated in the Route 138 Economic Development Study (2020) and the Town's Master Plan (2020).

RECOMMENDATION:

On February 16th, 2022, the Planning Board voted unanimously with four (4) members in favor and none opposed, to recommend that this Article be adopted at Town Meeting with no changes in the motion, that the applicable language be added directly into this section of the by-laws. The hearing was closed on March 2nd, 2022, with no changes to the vote or motion.

Voted 4-0

In favor: Patricia McDermott, Kathy McCormack, David McCarthy, and Joseph Amrhein

Not present: Robert E. Panico

MOVED:

That the Town will vote to add Zoning By-law Section 6.9 General Provisions for the Commercial Mixed-Use District as follows:

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 - b. If residential homeownership units (condos), the development shall contain a minimum of sixty percent (65%) residential use, but no more than eighty (80%) residential use; If residential rental units, the development shall contain a minimum of fifty-one (51%) residential use, but no more than eighty (80%) residential use.
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5. The Zoning Board of Appeals shall be under no obligation to grant such density bonus and may determine, in its sole discretion, whether the offered improvements are sufficient in nature, scope, cost or otherwise, to justify such bonus. The offer and commitment by an applicant to provide all or any number of the above enumerated examples does not, in and of itself, justify or require the Zoning Board to grant such density bonus.

6.9.16 Severability. If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby.

Respectfully submitted,

David McCarthy
Chair of the Canton Planning Board