TOWN OF WELLESLEY
TOWN MEETING

Article: 4

Motion: 1

That the Zoning Bylaw be amended by adding to SECTION 1. ESTABLISHMENT OF DISTRICTS. a new item 26. to read as follows:

"26. Linden Street Corridor Overlay District (SECTION XIVG.)"

and by adding a new SECTION XIVG. LINDEN STREET CORRIDOR OVERLAY DISTRICT ("LSCOD") to read as follows:

SECTION XIVG. LINDEN STREET CORRIDOR OVERLAY DISTRICT ("LSCOD")

A. Purpose: In recognition of the unique location, function, and character of land uses along the Linden Street commercial corridor, the Linden Street Corridor Overlay District (LSCOD) is intended to encourage the redevelopment of unsightly and inefficient properties in a coordinated and well-planned manner in order to promote:

- More efficient and organized layout of buildings, parking areas, vehicular circulation aisles, and pedestrian walkways.
- Orderly master planning of the Linden Street corridor.
- Improved facilities and circulation for the safety, comfort, ease of movement, and convenience of pedestrians.
- Enhanced aesthetic quality and architectural compatibility of new and existing buildings.
- Enhanced quality of landscape, including features such as trees, shrubs, lawns, and other plantings, as well as features such as walkways, plazas, street furnishings, lighting, and perimeter fencing.
- Consolidation, improved organization, and safe design of site access points.
- Improved overall traffic safety and operations along Linden Street.
- Enhanced property values along the corridor, including adjacent residential and commercial neighborhoods.

- Improved watershed conditions and drainage and improvement of existing flooding conditions on private property.
- Decreased peak stormwater drainage rates into downstream receiving bodies by increasing open space.

B. Applicability: The LSCOD is shown on the Zoning Map and shall be considered as overlaying other existing zoning districts.

C. Underlying Zoning Districts: The LSCOD confers additional development options to be employed at the discretion of the property owner. The LSCOD does not in any manner remove or alter the zoning rights permitted by the underlying zoning district. However, use of one or more of the LSCOD development options requires consistency with all LSCOD requirements. If two or more lots are (i) contiguous to each other, and (ii) owned by the same person or entity, such lots may be combined as a single "Development Site." The limits of any Development Site shall be identified by the Applicant and endorsed by the land owner or owners at the time of project submission. Lots that would be contiguous to each other but for a street or right of way shall be considered to be contiguous for the purposes of assembling a Development Site. One or more lots may be added to an existing Development Site, but only if such addition would not cause the Development Site, as so enlarged, to be out of conformance with the provisions hereof.

D. Permitted Uses: Any use or uses that are permitted in the underlying zoning district are permitted, provided that if, in the underlying zoning district, a special permit would be required for any particular use, the same special permit shall be required for such use in the LSCOD. Any non-conforming uses or structures will continue to be governed by General Laws Chapter 40A Section 6, and by Section XVII of this Bylaw.

Notwithstanding the foregoing, the following uses shall not be permitted on any Development Site:

1. any use that would not be permitted in a Business District (provided that any use that would be permitted in a Business District with a special permit or other appropriate relief shall similarly be permitted in the LSCOD with a special permit or such other relief);
2. sale or rentals of trailers, boats or recreational vehicles;
3. sale of items or products out of trailers;
4. hotel or motel;
5. movie theatre (except upon granting of a special permit as provided in Section XXV);"

6. automobile dealership (new or used);

7. storage of oil or petroleum products (other than as accessory to another permitted use and then only in accordance with applicable state and federal laws), provided that this clause shall not prohibit use for a gasoline service station with associated repair facilities;

8. laundry establishments with on-premises dry cleaning facilities, provided that the foregoing will not restrict laundry establishments with dry cleaning pick-up and drop-off service;

9. drive-through windows where food or beverage is purchased by customers in vehicles

10. light manufacturing; and

11. "adult uses," as defined in Section IA of this Bylaw.

E. Minimum Open Space: There shall be provided for each Development Site minimum open space (as defined in Section IA.) equal to at least eighteen percent (18%) of the area of the Development Site. In computing the total open space for the Development Site, open space provided pursuant to Section XXI(D)(3) shall be included.

F. Maximum Floor Area Ratio: The maximum floor area ratio (as defined in SECTION IA. DEFINITIONS) for a Development Site shall be 0.3. Notwithstanding the foregoing, the maximum floor area ratio for a Development Site may be increased above 0.3 (but not in excess of 0.35), upon and subject to the issuance of a special permit granted by the Planning Board in accordance with the following:

1. A report shall have been received from the Design Review Board finding that the proposed project is consistent with the design criteria listed in Section XXII of this Bylaw;

2. The Planning Board shall find that the proposed project provides and/or contributes to and enhances pedestrian access and safety and will accommodate pedestrian and bicycle circulation (including reasonable bicycle parking areas, suitably separated from motor vehicle traffic lanes) in accordance with nationally recognized and accepted standards;

3. The Design Review Board shall find that the proposed project contains architectural features that enhance the appearance of the Development Site;

4. Newly constructed buildings in the proposed project shall be designed so as to minimize excessive noise from loading or refuse removal activities and from the operation of HVAC or mechanical equipment;

5. The Proposed Project includes affordable housing units in excess of those required under Section XVIB of this Bylaw; and

6. The proposed project shall include open space that enhances the local commercial environment, including (i) at least one park-type area of not less than 6,000 square feet with amenities such as benches and shade trees; (ii) at least three areas of green space of at least 1,000 contiguous square feet each, which will enhance the absorption and drainage of storm water; and (iii) open space that enhances pedestrian safety, including readily identifiable pathways with appropriate signage or markings. Open space referred to in clauses (i) and (ii) will be planted and maintained substantially in accordance with a landscape plan, which will be reviewed and approved by the Design Review Board and the Town Horticulturalist.

Upon the satisfaction of the foregoing conditions, the Planning Board shall issue a special permit allowing an increase in the maximum floor area ratio above 0.3, but in no event shall the maximum Floor Area Ratio for any Development Site exceed 0.35.

G. Inclusionary Zoning. The provisions of SECTION XVIB. INCLUSIONARY ZONING shall apply.

H. Site Plan Approval. The provisions of SECTION XVIA. SITE PLAN APPROVAL shall apply.

(a) In connection with an application for any special permit or site plan approval under Section XVIA, a proposed development in the LSCOD shall not degrade the level of service designation at an impacted intersection or roadway segment to a level below the level of "C" and, if an impacted intersection or roadway segment is projected to operate at an level of service lower than "C" in a design year no-build alternative, then the proposed development shall not degrade the level of service designation below the projected design year no-build levels. An exception shall be for unsignalized intersections where, for the specific hour in question, fifty (50) trips per hour or less during the design year no-build peak hour are projected for a minor street approach. For these locations, the Applicant shall undertake an evaluation to identify any specific circumstances requiring further action or mitigation, which may be the subject of negotiated improvements at the discretion of the Planning Board.

(b) In connection with evaluation under Section XVIA of the storm drainage system, if the Planning Board determines that the minimum service standards cannot reasonably be achieved, but that the proposed project will effect an improvement in the no-build alternative, the Planning Board may, in its reasonable discretion, modify the minimum service standard and requirements, which modification may be conditioned on reasonable and acceptable mitigation

measures. Any such mitigation measures shall be incorporated into the conditions of such special permit or site plan approval.

I. Yards and Setbacks: The provisions of Section XIX (Yard Regulations) are inapplicable to proposed projects under this Section. No building or structures shall hereafter be erected or placed nearer to any street or property line of a property abutting the Development Site than the following:

Rear	10 feet
Side	10 feet
Front	15 feet

J. Buffers: A buffer area shall be provided along the property line where the property line of the Development Site is contiguous to the property line of another lot within an existing residential district. This buffer shall be landscaped and screened by way of fences, walls and/or plantings sufficient to reasonably and substantially shield abutting land from parking and loading areas and buildings. Any such fences or walls may provide openings to allow safe pedestrian access and egress between the Development Site and the adjacent neighborhood. A Landscape Plan identifying the location and treatment of said buffer shall be prepared by a Landscape Architect licensed in the Commonwealth of Massachusetts, and approved by the Design Review Board. The foregoing requirement may be satisfied by (a) a landscaped and planted strip between the Development Site and the abutting residential district at least ten feet (10') in width, and/or (b) where existing conditions do not permit a 10-foot buffer, then a buffer strip between the Development Site and the abutting residential district, with fencing, walls or plantings at least seven feet (7') in average height. The approved buffer plan shall be incorporated into the required site plan approval under Section XVIA. No parking spaces, commercial loading facilities and maneuvering areas shall hereafter be placed within any buffer area.

K. Lighting: An exterior lighting plan showing the location and design of light posts and luminaries for all exterior lighting shall be reviewed and approved by the Design Review Board. Unless specifically otherwise approved by the Design Review Board, luminaires shall be of a type having a total cutoff of less than ninety (90) degrees, and shall direct light onto the site. The approved lighting plan shall be incorporated into the required site plan approval under Section XVIA.

L. Off-Street Parking: Parking shall be provided in accordance with SECTION XXI. The landscaping and screening requirements set forth in Section XXI shall apply to any proposed project.

M. No more than two stores having a ground floor area of more than twenty-five thousand (25,000) square feet each shall be on a Development Site, unless the Planning Board shall first have granted a special permit.

and by adding to SECTION XXI. OFF-STREET PARKING. Part D, Subpart 2. REQUIRED PARKING. the following text immediately after the item labeled "Town House" therein:

Use	Zoning District	Minimum Number of Parking Spaces
Any residential use.	Linden Street Corridor Overlay District	2.5 spaces per one, two or three bedroom unit
Any non-residential use.	Linden Street Corridor Overlay District	5 spaces for each 1,000 square feet of ground coverage of buildings*, but not less than 3.2 spaces per 1,000 square feet of floor area of buildings.**

For purposes of the above parking requirements, any increase in on-street parking spaces included in a proposed Linden Street Corridor Overlay District Development Site at the expense of the proponent shall be counted towards satisfaction of the off-street parking requirement."

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Signature

Approved:

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Moderator