

## **Article 4 - Zoning Bylaw Amendment - Industrial Mixed Used**

To determine whether the Town will vote to approve the following amendment to the Zoning Bylaw by replacing Section 15, Industrial Mixed Use in its entirety:

### **15.1 General Purpose**

The Industrial Mixed Use special permit from the Planning Board is intended to foster desirable economic development for the community, by facilitating the development and redevelopment of sites that encompass combinations of land use that are different but compatible and economically complementary to one another. Projects may consist of multiple uses contained in a single building, or campus-type configurations involving more than one building on one parcel (or contiguous parcels in common ownership). In either case, the development is intended to improve site and community amenities, reduce environmental impacts and add value to property.

### **15.2 Authority and Applicability**

#### 15.2.1 Special Permit Granting Authority

The Planning Board shall be the Special Permit Granting Authority for Industrial Mixed Use developments.

#### 15.2.2 District Applicability

An Industrial Mixed use special permit shall be allowed in the following districts: Industrial Park A, Industrial B, Industrial C, and Commercial.

#### 15.2.3 Master Planning and Phasing Option

Industrial Mixed Use development projects may be submitted at the applicant's discretion in a master planned permitting structure, wherein a general special permit is granted with the expectation that detailed phasing plans will be submitted for special permit review upon their readiness for construction.

### **15.3 Development Objectives & Plan Review Criteria for Industrial Mixed Use Projects**

The following are the Development Objectives to which all IMU special permit projects shall aspire, and the Review Criteria which the Planning Board shall apply in evaluating all IMU special permit applications:

#### 15.3.1 Development Objectives

In proposing projects under the Industrial Mixed use special permit, applicants shall consider and strive to attain the following objectives, whether the submission is a new development or a redevelopment/retrofitting of an existing development, or any combination thereof:

Generate harmonious clusters of economic activity where the uses complement one another and in doing so help the community at large.

Facilitate combinations of uses that reflect the viable and emerging businesses of all types associated with the economy of the Boston metropolitan region and the Commonwealth of Massachusetts.

Invest capital to beautify properties and increase the physical and visual integration of uses and buildings.

#### 15.3.2 Plan Review Criteria for Industrial Mixed Use Projects

Plans reviewed by the Planning Board under an IMU special permit shall be evaluated in terms of the following criteria, wherever applicable, whether the submission is a new development or a

redevelopment/retrofitting of an existing development, or any combination thereof, and subject to appropriate findings by the Planning Board:

The determination that the uses proposed are complementary to and compatible with one another economically and in terms of site usage, and that the mix of uses furthers the intent of this section and the zoning bylaw.

Where multiple buildings are involved, the extent to which improvements are included that will establish or enhance the distinct visual relationship of the buildings to one another, using elements such as: the physical siting of the buildings themselves; open space; common areas; landscaping; trails and walks; or other site amenities to define and reinforce that relationship.

The accommodation in site design of pedestrian walks and trails, bicycle travel and off-site connectivity to other trails, conservation areas and destinations.

The reduction or avoidance of large concentrations of at-grade parking lots in favor of smaller, multiple lots where possible, or alternatively, to break up large expanses of pre-existing parking with landscape and pedestrian features.

The use of viable shared parking arrangements, to minimize the amount of parking, impervious surface and stormwater runoff.

The incorporation of low impact development techniques to provide or supplement stormwater management.

The adequate addressing of all conventional site design issues, such as internal traffic circulation, public safety, provision of utilities and other aspects normally seen in all plans.

#### **15.4 Permitted Uses**

The following uses shall be permitted by special permit in Industrial Mixed Use developments.

- Business and Professional Offices
  - General offices: corporate and multi-occupancy
- Light Manufacturing
  - Computer and related manufacturing or assembly
  - Electronics parts, circuitry and products, manufacturing or assembly
  - Medical device research, manufacturing or assembly
- Information Technology & Life Sciences
  - Information technology & data Storage
  - Software Development & Services
  - Bio-pharmaceuticals research, development and manufacturing
  - Industrial biotechnology or informatics
  - Biological testing laboratories, excluding bio-safety level four (BL-4) as per Centers for Disease Control
  - Earth sciences, environmental research, testing & development
- Health Care
  - Medical clinics, offices & services
- Institutional & Educational
  - Educational and training, for profit
  - Non-profit foundation or institutional use

- Educational or child care facility, exempt under MA law
- Retail & Services
  - Retail and personal services stores with gross floor area not exceeding 10,000 square feet
  - Bank
- Restaurants, Hostelry & Recreation
  - Restaurants with sit-down table service, not of the fast order or drive-through type, but not excluding take-out service.
  - Hotel (Industrial Districts only)\*
  - Fitness businesses, any type, with gross floor area not exceeding 10,000 square feet
  - Recreation or cultural business with gross floor area not exceeding 5,000 square feet
- Other Uses
  - Other uses determined to be fully compatible with those in this section but not listed herein
  - Municipal facilities
- Accessory Uses
  - Free-standing parking structure
  - Private or public solar array
  - Common utility, power and communication facilities with screening and planting appropriate to the site & abutting uses.

### **15.5 Mixed Use Minimum Criteria**

The following are the minimum thresholds for constituting an IMU development:

#### 15.5.1 Minimum Number of Uses

The proposed IMU development must have a minimum of two distinct uses as defined by the allowable uses in this section, whether contained in a single building or multiple buildings.

#### 15.5.2 Minimum Mixed Use Floor Area

No single use or like grouping of uses shall occupy more than 92% of the gross floor area of a single building or 94% of the total GFA of all buildings on the site.

### **15.6 Density**

The following are the maximum density entitlements for an IMU special permit. The Planning Board may limit any development project to less than these density entitlements for circumstances that are necessary to protect the public interest or other properties, or to further the aims of this section and the Zoning Bylaw:

#### 15.6.1 Maximum Floor Area Ratio (FAR)

The FAR for any IMU development shall not exceed .35.

#### 15.6.2 Increase in FAR

The FAR may be increased to .40 in cases where a Shared Parking Plan has been submitted and has demonstrated to the satisfaction of the Board by means of a finding that it will reduce the parking supply to less than that required by section 7.4 of this Bylaw, as verified by the Code Enforcement Director. Said finding shall be based on a determination that due to any combination of factors among the participating businesses such as hours of operation or employee work shifts, peak customer demand, minimal parking needs on-site or other complementary circumstances among businesses, a reduction in the required parking supply for the project is justified.

### **15.7 Dimensional and Performance Requirements**

The following standards shall apply to all development projects seeking an IMU special permit:

### 15.7.1 Flexibility Criteria

It is the intent of this section to allow for a high degree of flexibility in the design or retrofitting of projects seeking an IMU special permit, in terms of the dimensions provided for the proposed development. The Planning Board shall determine the adequacy of the proposed dimensions and may adjust proposed dimensions upward or downward in accordance with the following criteria:

Adequacy of setbacks, yards and parcel perimeter buffering to avoid negative impacts on abutting and nearby uses from buildings or parking associated with the IMU development

Aesthetic enhancement for the immediate vicinity and the wider area or district

Use of existing site amenities within setback areas, including vegetation, landscaping, topographic characteristics, stone walls, surface water or other features.

### 15.7.2 Dimensional minima and maxima for the full development parcel:

Minimum Lot Area:	One (1) acre
Minimum Frontage:	As in existing zoning district, but may be reduced by the Planning Board within the IMU special permit discretionary authority.
Minimum Front Setback:	As in existing zoning district, but may be reduced by the Board.
Minimum Side and Rear Yards:	As in existing zoning district, but may be reduced by the Board.
Maximum Building Height	As in existing zoning district.
Minimum Lot Landscaping	30%
Maximum Lot Coverage	35%

## 15.8 Parking Requirements, Site Access, Transportation

The following are the flexible parking provisions for an IMU development:

### 15.8.1 Type of Facility

Parking may be provided at ground level, at sub-grade within buildings or in attached or detached parking structures.

### 15.8.2 Parking Site Location & Distribution

Parking within the front setback of buildings shall be confined to spaces for vehicles involving: visitors: emergency services: handicapped access: drop-off and pick-up of people or goods: transit systems and preferred spaces for certified car and van pool users operating through an organized trip reduction program.

All other parking shall be located at the rear or side of buildings.

Effort shall be made to distribute parking among multiple smaller lots rather than in one or more large expanses of parking, or, in the event of pre-existing large concentrations of parking, to provide visual and functional relief by means of landscaping, separation, pedestrian ways and other amenities.

### 15.8.3 Parking Quantity

Total parking supplied on site shall be evaluated by the Planning Board for adequacy to serve the proposed mix of uses.

After the parking required by zoning and any existing parking spaces are verified by the Code Enforcement Director, the Board may deem parking supply excessive or inadequate and request revision of the parking plan, or it might deem the parking to be adequate.

In determining adequacy, the Board shall take into account whatever combination of pre-existing and newly proposed parking spaces constitutes an optimum quantity, and shall make a finding to that effect.

Electric vehicle charging stations may be located within any parking area.

Section 7.4.3 concerning the granting of relief from parking regulations by the Zoning Board of Appeals shall not apply.

### 15.8.4 Shared Parking

Shared parking arrangements may be proposed to reduce the extent of parking lots and impervious surface and reduce stormwater runoff. A Shared Parking Plan shall be provided in these instances, documenting that the planned arrangements will reduce the parking supply to less than that required by section 7.4 of this Bylaw, as verified by the Code Enforcement Director. Said Plan shall substantiate that the targeted parking reduction is viable among building occupants due to any combination of factors such as hours of operation or employee work shifts, peak customer demand, minimal parking needs on-site or other complementary circumstances among the businesses. Significant changes to these circumstances or to the participating businesses may require a special permit minor modification before the Planning Board. Shared Parking Plans may be submitted for a minor special permit modification at any time after the development is operational, for the purpose of avoiding anticipated future parking demand that might exceed the capacity of the site.

### 15.8.5 Reserve Parking

The Planning Board may consider for approval the placing of some of the on-site parking supply into future reserve status, where it remains unbuilt until needed, provided the Board finds that the immediate parking demand is satisfied by the constructed parking spaces. Construction of such parking areas, should it involve minimal adjustment to previously approved parking quantity or physical layout, shall be subject to a minor special permit amendment.

### 15.8.6 Curb Cuts

The Planning Board shall determine that the number of curb cuts shown on the Plans to serve the site along any frontage, including frontage on more than one street, is adequate but not excessive, considering both pre-existing and newly proposed curb cuts. This determination shall be made in consultation with DPW Engineering and may include referral to the Selectmen sitting as Road Commissioners.

### 15.8.7 Transportation Mitigation

#### A) Trip Reduction

In IMU development projects that it deems to be sufficiently large in number of employees and regular in terms of peak hour commuting patterns, the Planning Board

may require as a condition of the special permit participation in a transportation management association, existing transit shuttle bus or other trip reduction program.

**B) Traffic Mitigation**

In IMU development projects where, after Department of Public Works or other engineering review, determines that the net traffic increase will be of sufficient impact to result in traffic congestion at site curb cuts and/or reduction of level of service at area intersections, the Planning Board may require as a condition of the special permit that improvements be made within the public right of way to mitigate traffic impacts. Such mitigations shall be subject to review and approval by the Selectmen acting as Road Commissioners. Performance guarantees to secure the proper construction of off-site traffic mitigations may be required by the Planning Board, in consultation with DPW Engineering. Alternatively, or in addition to, any physical improvements, other means of reducing traffic congestion may be required, including but not limited to contributions to a relevant traffic study or an adjacent capital improvement project being carried out under other auspices.

**15.9 Application**

The following are the requirements for submission of IMU special permit application materials. The Planning Board may waive the provision of select items if felt to be unnecessary for or inapplicable to the development project, or may do so by delegation to professional staff:

**15.9.1 Plan Submission: Format & Quantities**

A) Plan sets and other relevant graphic materials: the applicant shall submit the following: a digital PDF file of the full plan set and other graphic materials; ten (10) paper copies of the full plan set and other graphic materials at the 11" x 17" dimension; three (3) plan sets at full 24" x 36" size; and, at the discretion of the Planning Department staff and Department of Public Works engineering staff—Autocadd files for the project plan set in original CADD format and/or in readable drawing format .

B) All text documentation and application materials: the applicant shall submit the following: a digital PDF file of all required and voluntarily-provided materials; ten (10) paper copies of same.

**15.9.2 Plan Submission Content**

Plans of the site and related engineering details shall be stamped by a registered professional engineer licensed to practice in Massachusetts. Plans shall generally follow the submission requirements in Section 7.5.2.1, paragraphs (a) through (e), subject to modification on a case basis, but typically shall include the following: cover sheet, legend and notes; existing site conditions; general site layout; grading and topography; stormwater management; utility plans; detailed landscape plans, the final version of which shall be stamped by a registered landscape architect licensed to practice in Massachusetts; and as many sheets as are needed to portray engineering details covering all aspects of utilities, infrastructure and site engineering and construction. If pertinent, the package may include traffic diagrams; building elevation drawings; impact analysis for designated aspects of the project, or other material pertinent to the proposed development.

**15.9.3 Other Submission Materials**

Submission packages shall include the Application Form; a Cover Letter; Drainage Calculation Reports; and other material deemed to be necessary in pre-application communications.

Additional material may include, on a case basis as needed, traffic impact analysis; groundwater protection studies and plans; operation and maintenance plans for on-site utilities; common maintenance agreements; analyses in aspects of project impact; and other materials deemed to be necessary by the Planning Department or Board.

**15.10 Planning Board Findings**

A special permit shall be issued under this section if the Planning Board finds that the development is in harmony with the Purposes and the Objectives and Review Criteria of this section and that it contains a compatible mix of uses sufficiently advantageous to the Town to render it appropriate to depart from the requirements of the Bylaw otherwise applicable to the Industrial or Commercial District in which the development is located.

**15.11 Amendments**

After approval, the developer may seek amendments to the approved plan. Minor amendments may be made by a majority vote of the Planning Board. It shall be a finding of the Planning Board whether a requested amendment is deemed to be major or minor. A major amendment shall require the filing of an amended special permit application.

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\* A hotel located therein in the Industrial Park A, Industrial B, Industrial C districts may contain, in addition to guest rooms, lodging units that are suites with permanent cooking facilities for temporary or intermittent stay required for guests who are there as temporary occupants engaged in business activity, or if for other purpose, subject to the limitations of 4.2.6.1 in this zoning bylaw.

pass any vote or take any action relative thereto.

*This proposed Industrial Mixed Use special permit bylaw would replace existing Section 15 in the Bedford Zoning Bylaw in its entirety. It would eliminate the residential mixed use option and would create a vigorous new economic development tool for the town's future. It would do so by incorporating a broadened and fine-tuned list of economic uses that are prospering or emerging in Massachusetts and the region and then would add logically complementary uses such as hotels and restaurants and carefully chosen retail uses, with the intent of closely integrating this activity in campus configurations or in a single building. Incentives for the market to use this provision are also offered, in the form of design flexibility and small density bonuses. A high premium would be placed on site design and providing amenities and aesthetic features associated with each development or redevelopment, including pedestrian and bicycle travel.*

**Recommendations:**

Selectmen:	Approval recommended
Finance Committee:	Approval recommended