

# **ADAPTIVE REUSE OF HISTORIC BUILDINGS BYLAW**

Proposed by the Southborough Historical commission

DRAFT 1.1

## **A. Historic Reuse**

**Purpose** -This section of the bylaw allows for the adaptive reuse of historical buildings and structures listed on the Southborough Historical Buildings Survey in a manner that ensures compatibility with their surroundings and that preserves their historical nature and appearance. This bylaw is intended to promote the preservation of significant historic structures, thereby enhancing the community's appearance and preserving Southborough's architectural legacy for future generations.

**Intent** - The intent of this section is to enable by special permit from the Special Permit Granting Authority (SPGA) the creation of alternative uses while maintaining strict controls to: 1) preserve all exterior features to ensure sensitivity and compatibility with the surrounding neighborhoods; and 2) provide an economic incentive to maintain and rehabilitate historic structures.

This bylaw is designed to encourage the adaptive reuse of such structure(s) where such reuse would more effectively preserve and enhance the architectural character of the surrounding neighborhood than would the redevelopment of the site upon demolition or significant exterior modification to these landmark structures.

## **B. Definitions**

**Historic Building** - A building or structure listed on the Southborough Historic Buildings Survey or any other structure that is more than 85 years old.

**SPGA** - The Southborough Planning Board shall serve as the Special Permit Granting Authority (SPGA).

**Pre-Application Review** - The applicant is strongly encouraged to request a pre-application review at a regular business meeting of the Planning Board prior to submitting a formal application. The purpose of a pre-application review is to minimize the applicant's engineering costs and to commence discussions with the Planning Board at the earliest possible stage of development. At the pre-application review, the applicant may outline the proposed project for adaptive reuse, seek preliminary feedback from the Planning Board and/or its technical experts, and set a timetable for submitting a formal application. While no formal filings are required for the pre-application review, the applicant is encouraged to prepare sufficient preliminary architectural and/or engineering drawings to provide the Planning Board with clarity regarding the scale and overall design of the proposed project.

## C. Uses Permitted

Any uses permitted in the zoning district for which this structure is located shall be permitted. The following uses are **allowed** by special permit and are subject to site plan review:

### 1) Residential Building and Structures

- a) For single-family, owner-occupied houses under 3000 square feet:
  - one (1) internal auxiliary apartment with the existing architectural footprint.
- b) For single family, owner-occupied houses over 3000 square feet:
  - one (1) auxiliary apartment or separate rental unit with the existing architectural footprint.
- c) For single family owner occupied houses with substantial outbuildings such as barns or carriage houses on the property, either attached or detached:
  - 1. Photo studio, artist, craftsman, or other artisan studios (stock and trade may be sold on the premises, provided that it is produced on the premises)
  - 2. Repair and alteration of wearing apparel and accessories
  - 3. Florist
  - 4. Repair for musical instruments
  - 5. Bed-and-Breakfast
  - 6. Antique shop
  - 7. Bakery
  - 8. Caterer
  - 9. Publisher

### 2) Commercial/Municipal Buildings and Structures:

- a. Apartments or Condominiums
- b. Senior/Affordable Housing
- c. Professional or Administrative Offices.
- d. Child Care Facility and/or Elder Care Facility.
- e. Medical Clinic and Ancillary Offices and Facilities.
- f. Research and Development uses (ancillary office use and electronic and computer laboratories). No ancillary manufacturing, assembly, sale or resale or storage for sale or resale of any goods, items, or material shall be allowed.
- g. Restaurant/Pub
- h. Animal hospital
- i. Educational facilities
- j. Athletic / recreational uses
- k. All uses listed in 1c above

The following uses/occupations/activities are **expressly prohibited** in historic buildings:

- 1) Servicing, Maintenance, or Restoration of Motor Vehicles
- 2) Trucking or Warehousing activities
- 3) Sale of Articles (except as provided in the above subsection)

## **D. Multiple or Mixed Uses**

Any combination of single residential or non-residential use, as identified in this section, may be allowed provided they are compatible with each other and maintain the public health, safety and welfare.

## **E. Dimensional Controls**

Changes to the size of the building or exterior dimensions of such building shall be subject to dimensional controls of the bylaw, unless modified by this section.

For any reuse of a historical building, the following provisions shall apply:

- 1) An increase in the footprint of the building being considered for reuse will be permitted, provided the proposed increase expands to no more than 10 % of the existing structure, conforms to existing setbacks and is required by one of the following:
  - a. Conformity with provisions of the Americans with Disabilities Act.
  - b. Reuse of the structure requires enhancements needed to make the building functional for the intended new use (i.e.; lighting, elevator, railings, heating and cooling ducts, etc.)
- 2) Except for the existing building, access ways, walkways, required parking and loading spaces, the entire site shall be kept as an open area. To the greatest extent possible, such open space shall be left in its existing condition or improved so as to be appropriate in size, shape, dimension, location and character to assure its proper functioning as an amenity for the site.
- 3) No permanent additional building/s or structure of any type and no enclosed storage of any kind outside the existing building shall be allowed.

## **F. Restoration/Renovation Controls**

- 1) There can be no change to the architectural footprint except as in section E above.
- 2) External architectural features are to be preserved and/or restored to their original appearance at the date of construction or as approved by the Southborough Historical Commission.
- 3) Exterior restoration should follow the preservation guidelines outlined in the Secretary of Interior Standards or the Massachusetts Historic Commission Standards, and must receive approval of the Southborough Historical Commission prior to submission of the application to the SPGA.

## **G. Special Permit Criteria**

The Southborough Planning Board in its roles as the Special Permit Granting Authority may grant an Adaptive Reuse Special Permit for a historic building, provided the proposal is consistent with the following:

- 1) **Preservation:** The proposal preserves all exterior features to ensure sensitivity and compatibility with the surrounding neighborhoods and provides an economic incentive to maintain and rehabilitate historic structures.
- 2) **Permitted Uses:** The reuse of buildings and the lot shall be consistent with the uses permitted in Section C.
- 3) **Adequate Access:** There shall be adequate provisions for safe access for pedestrians, motor vehicles and emergency services to the building and the land on which it is situated.
- 4) **Parking:** Off-street parking spaces and loading/unloading spaces shall conform to the provisions of the Town's parking regulations and its subsections. The SPGA may grant waivers if existing parking does not meet current parking requirements and if additional space would be a detriment to compatibility with neighborhood character.

## **H. Site Plan Review Process**

In order to provide a detailed design review of any reuse of historic buildings for which an Adaptive Reuse Special Permit is being sought, there shall be a Site Plan Review by the Planning Board. Eight copies of the plans shall be submitted to the Planning Board when application is made for Site Plan Review. The Planning Board shall, as a minimum, take into consideration the following matters:

- 1) Arrangement, design, appearance and dimensions of proposed building changes, all exterior lighting, and all screening and landscaping features, including but not limited to fences, walls, plantings, drives and walks;
- 2) The driveway layout, having in mind public safety and convenience and safety of vehicular and pedestrian movement within the site and the relationship to adjacent ways and lands;
- 3) The configuration and number of parking spaces in relation to proposed use of the premises;
- 4) Adequate waste disposal and surface and subsurface water drainage. Submitted with the application shall be one or more site plans and specifications prepared, signed and sealed by a registered land surveyor, registered professional engineer or registered architect. At the time of filing, the applicant shall submit copies of all such plans also to the Building Commissioner, Board of Health, Historical Commission, and other appropriate authorities in order to allow such boards, commissions, committees, authorities and persons to make appropriate recommendations to the Special Permit Granting Authority.

The Planning Board shall have the power to approve, disapprove, approve with conditions or suggest modifications or recommendations to the plan or to any subsequent reviews to the plan. Any disapproval shall indicate what modifications to the plan would make it acceptable to the Planning Board. This power shall in no way eliminate, decrease or abrogate the powers of any other board, committee, commission or other authority having legal jurisdiction. It shall be the duty and responsibility of the applicant to secure any and all permits, licenses and approvals necessary to the project.

## **I. Reuse of Historic Buildings Special Permit Provisions**

Once a Historic Reuse Special Permit application is filed under this section, no structure shall be erected, enlarged, or modified; and no land shall be divided, subdivided or modified prior to the granting or denial of said permit.

### Special Permit Application Review Procedure

- 1) The Planning Board shall be the special permit granting authority for the issuance of a Historic Reuse Special Permit. Such special permit application shall be submitted, considered, and issued in accordance with the provisions herein, with the Southborough Zoning Bylaw and with all other applicable regulations.
- 2) Prior to the filing of an application for a Historic Reuse Special Permit, the applicant shall submit plans to the Building Inspector, who shall advise the applicant as to the pertinent sections of the Zoning Bylaw.
- 3) Following the Building Inspector's review and prior to the filing of a Historic Reuse Special Permit application, the Applicant shall submit copies of the draft application submittal to the Planning Board and the Historical Commission.
- 4) Within sixty (60) days of receipt of the draft application submittal and pursuant to Article V: Section 21. of the General Bylaws, the Historical Commission shall hold a public hearing to review the structure(s) intended for historic reuse, and shall provide a written support of its findings to the Planning Board.
- 5) Upon receiving the letter of support, the Planning Board shall hold a public hearing in accordance with the Conduct and Notification of Public Hearings and Decisions for All Special Permits pursuant to M.G.L., c.40A. **No** tree removal, utility installation, ditching, soil or percolation testing, well testing, grading or construction of roads (temporary or otherwise), grading of land or lots, excavation, dredging or filling, and demolition or construction of structures shall be done on any part of the development site until the proposal has been reviewed at the pre-application conference and the Planning Board has given its approval.
- 6) All boards, commissions and departments shall, within thirty-five (35) days of receiving a copy of said plan, submit a written report containing recommendations with supporting reasons to the Planning Board; and may recommend conditions deemed appropriate for the proposed use. The Planning Board shall not render a decision on any such application until said recommendations have been received and considered *or* until the thirty-five (35) day period has expired, whichever is earlier. Failure of such agencies to submit their respective recommendations shall be deemed concurrence thereto.
- 7) To assist the Planning Board in rendering its decision on the application, said application shall also include the following:

- A narrative stating the historical significance of the structures and/or site, and an architectural description of the structures
- Photographs of all existing elevations
- Interior floor plan(s) showing the proposed uses of interior space with the gross floor area for each use
- Proposed lighting
- Parking – existing and proposed
- If new construction or additions are proposed, a perspective drawing showing the new construction or additions in relation to existing structure(s) on the site and on adjacent land.
- Demonstrate compliance with the Dimension and Restoration / Renovation Controls cited in Sec E and F above.
- A plan showing existing and proposed landscaping on the site
- A list of any requested waivers with the justification for each, and;
- Additional information or supplemental impact statement(s) (as requested by the Planning Board) based on the project's scope and the physical characteristics of the parcel.

The Planning Board, at its discretion and based upon the assessment of the scale of the development proposed, may modify or waive the application requirements for submission herein.