

Draft Revised by Working Group on 2/10/2017

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~~Historic~~ Adaptive Reuse for Historic Buildings Bylaw

Article XX

To see if the Town will vote to amend Chapter 174 of the Code of the Town of Southborough entitled "Zoning" by amending as follows:

In Section 174-2 "Definitions"

Amend definition:

CUSTOMARY HOME OCCUPATION

The use of a portion, not exceeding 25% ~~-(except as provided in section 174-13.6 Titled Adaptive Reuse of Historic Buildings)-~~, of a one-family home, including the accessory buildings, by persons resident therein for a gainful occupation that is clearly incidental and secondary to the use as a residence; that does not generate a significant increase in traffic, noise, smoke, vibration, dust, odors, glare, unsightliness or other effects not normally produced by a residence; that involves no exterior display or storage of goods, tools, materials or equipment or the parking of more than one commercial vehicle; that gives no exterior indication of such occupation, other than one sign not over four square feet; that involves only motive power normally found in a home; that does not employ more than two persons not resident therein; that involves the exercise of artistic, domestic, personal or professional skills; and that requires the approval of the Board of Health for disposal of any waste generated by such occupation that differs in quantity or composition from domestic solid or liquid waste. Provided however that exceptions are provided in Section 174 -13.6 titled Adaptive Reuse of Historic Buildings.

Add Definition:

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

Amend Section:

Section 174-8.2. RA Residential A District. Subsection B. Uses by Special Permit

Add the following paragraph in the correct numerical sequence:

(13) Adaptive Reuse of Historic Buildings Bylaw. (Note: Special Permit from Planning Board)

Amend Section:

~~Amend site plan approval~~ Section 174-10 A. A Site Plan Approval

Add the following paragraph in correct numerical sequence:

(5) Adaptive Reuse of Historic Buildings

Add 174-13.6

ADAPTIVE REUSE OF HISTORIC BUILDINGS

DRAFT 1.1

A. Purpose and Intent

The Purpose of this section is to allow for and provide incentives for the adaptive reuse of Historical Buildings in a manner that ensures compatibility with their surroundings and that preserves their historical nature and appearance. This section is intended to promote the preservation of significant Historic Buildings, thereby enhancing the community's appearance and preserving Southborough's architectural legacy for future generations.

The incentives of this Section are allowed only by special permit from the Special Permit Granting Authority ("SPGA") the creation of alternative uses for Historic Buildings while maintaining reasonable controls to:

- 1) Preserve the exterior features of such Historic Buildings to ensure sensitivity and compatibility with the surrounding neighborhoods; and
- 2) Provide an economic incentive to maintain and rehabilitate Historic Buildings.
- 3) Encourage the adaptive reuse of Historic Buildings where such reuse will 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 Historic Buildings.

It is not the intent or requirement of the Section that all renovations to all Historic Buildings must be applied for and approved under this Section. It is a voluntary choice to be made by the Applicant, if the Applicant wishes to take advantage of the incentives provided herein.

For special permits issued pursuant to this Section 174-13.6, the Planning Board shall be the Special Permit Granting Authority ("SPGA").

B. Uses Permitted

Any uses permitted in the zoning district in which the Historic Building is located shall be permitted by right. The following uses are only **allowed** by special permit and are subject to the site plan review process.

(1) Residential Buildings and Structures, including single family houses with or without accessory structures

(a) Accessory Apartments: One (1) accessory apartment or separate rental unit. The accessory apartment shall comply with the following conditions and requirements:

(I) The habitable floor area of the accessory unit shall not exceed thirty-five percent (35%) of the habitable floor area of the entire dwelling plus that of any accessory building used for the accessory dwelling.

(ii) There is no other apartment on the lot on which the accessory apartment is proposed.

(iii) Not more than the required minimum exterior alterations will be made to the single-family house and to any accessory buildings, as determined by the SPGA upon recommendation of the Historical Commission.

(iv) The number of accessory apartments approved under this Section shall not be subject to Section 174-9 B (4) which limits the number of accessory apartments that can be permitted

(b) Customary Home Occupations. The use of a portion, not exceeding thirty-five percent (35%) of a one-family home, including the accessory buildings, by persons resident therein, for a gainful occupation that is clearly incidental and secondary to the use as a residence, and may not employ more than three (3) persons not resident therein. All other provisions of Customary ~~H~~ome Occupations, as defined in Section 174-2, shall continue to apply.

(c) The following uses, which are deemed to be outside the normal definition of Customary Home Occupations, shall ~~comply with all the requirements of paragraph (b) above; occupy a portion not exceeding thirty-five percent (35%), as described in paragraph (b) above and shall be operated by persons resident on the premises;~~

(i) Art Gallery

(ii) Florist

(iii) Antique Shop

(iv) Bakery

(v) Publisher

(vi) Professional Office

(d) Bed and Breakfast, with the number of guestrooms to be determined by the SPGA

(2) Commercial/Municipal Buildings and Structures:

(a) All uses listed in Subsection (1) above, but with no limit on floor area or number of employees

(b) Apartments or Condominiums

(c) Child Care Facility and/or Elder Care Facility

(d) Medical Clinic and Ancillary Offices and Facilities

(e) Research and Development uses, excluding ancillary manufacturing, assembly, sale or resale (or storage for sale or resale) of any goods, items, or materials

(f) Restaurant/Pub

(g) Educational facilities

(h) Athletic / recreational uses

(i) mail order business

(3) Prohibited Uses. The following uses, occupations and activities are expressly prohibited:

- (a) Commercial servicing, maintenance, or restoration of motor vehicles
- (b) Trucking or warehousing activities
- (c) Sale of articles (except as provided in the subsections (1) and (2) above)
- (d) Other uses, occupations and activities that are prohibited elsewhere in §174.

(4) Multiple or Mixed Uses

No more than three (3) residential or non-residential uses, as identified in this section, may be allowed by special permit, provided that the uses are compatible with each other, and do not derogate from the public health, safety and welfare.

C. Controls on Dimensions and Restoration/Renovation.

(1) Controls on Dimensions.

Changes to the size of the building, or exterior dimensions of such building, shall be subject to dimensional controls of the Town's zoning bylaw, unless modified by special permit pursuant to this Section. For any reuse of a Historic Building, the following provisions shall apply:

(a) An increase in the footprint of the building being considered for reuse will be permitted, provided the proposed increase expands by no more than fifteen percent (15 %) of the square footage of the existing structure's footprint, conforms to existing setback requirements, does not increase any non-conformity of the existing structure and is required by one or both of the following:

- (i) Conformity with provisions of the Americans with Disabilities Act.
- (ii) A reuse that requires functional or structural changes necessary for the intended new use.

(b) Except for the existing building, access ways, walkways, required parking and loading spaces, the open area of the entire site shall not be diminished. Such open area 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.

(c) No permanent additional buildings or structures of any type, and no enclosed storage of any kind, shall be allowed except as permitted by the SPGA.

(2). Controls on Restoration/Renovation

—(a) There shall be no change to the architectural footprint except as allowed pursuant to subsection (1) (a) above.

(b) External architectural features shall be preserved and/or restored as approved by the Historical Commission.

(c) Exterior restoration shall follow the preservation guidelines outlined in the Federal Secretary of Interior Standards or the Massachusetts Historic Commission Standards,

whichever is most applicable, and the applicant must submit a letter of findings from the Southborough Historical Commission, prior to the submission of the Application to the SPGA.

D. Application Submission Requirements and Procedures.

- (1). Pre-Application Review. The Applicant is strongly encouraged to request a pre-application review by the Planning Board prior to submitting a formal Application. The purpose of the pre-application review is to simplify the process for applicants 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 the Historical Commission and/or their 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.

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 granted final approval by the SPGA. [ML1]

- (2). Historical Commission Review. The applicant shall submit their proposal to the Historical Commission for review.
- (3). Formal Application Submission Requirements. Applicants for Adaptive Reuse of Historic Buildings shall file with the Planning Board seventeen (17) copies of submission materials of which ten (10) sets of the plans should be full size and the balance in 11" x 17" format and one electronic version of the plans. Submission materials shall include the following:
- (a) A narrative stating the historical significance of the structures and/or site, and an architectural description of the structures
 - (b) Photographs of all existing elevations
 - (c) Interior floor plan(s) showing the proposed uses of interior space with the gross floor area for each use
 - (d) Proposed outdoor lighting
 - (e) Parking – existing and proposed
 - (f) 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.

- (g) A letter of findings from the Historical Commission on whether the project complies with the Dimension and Restoration / Renovation Controls cited in C above.
- (h) A plan showing existing and proposed landscaping on the site
- (i) A list of any requested waivers with the justification for each
- (j) Adequate waste disposal and surface and subsurface storm water drainage. Site plans and specifications shall be submitted with the application and shall be prepared, signed and stamped by a registered land surveyor, registered professional engineer or registered architect. At the time of Special Permit application filing, the applicant shall submit copies of all such plans to the Building Commissioner, Board of Health, Historical Commission, and other appropriate authorities as may be directed by the SPGA. The SPGA shall solicit and consider comments relative to the proposed project from such boards, commissions, committees, authorities and individual residents.
- (k) 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.
- (l) The SPGA in its discretion may reasonably modify or waive the application submission requirements herein ^[ML2].

E. Special Permit Application Review Procedure:

- (1) Once an Application for Adaptive Reuse Special Permit application has been 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.
- (2) The Planning Board shall be the special permit granting authority for the issuance of a Adaptive Reuse Special Permit. Such special permit Application shall be submitted, considered, and issued in accordance with the provisions herein, with the Zoning Bylaw and with all other applicable regulations.
- (3) Prior to the filing of an Application for an Adaptive 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
- (4) Following the Building Inspector's review the Applicant shall submit copies of the Application to the Planning Board.
- (5) Within sixty (60) days of receipt of the Application submittal the Planning Board shall hold a public hearing pursuant to M.G.L., c. 40A, for the special permit Application.
- (6) All boards, commissions and departments which have relevant jurisdiction over this proposed project, shall within thirty-five (35) days of receiving a copy of said Application, 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) There shall be no separate Site Plan Review process for the Applications falling under this Section, because the Site Plan Review process is already covered by the Application Submission in Subsection D, and by the Special Permit Application Review procedure in Subsection E

F. Decision and Special Permit Criteria

- (1). The SPGA shall have the power to approve, disapprove or approve with conditions an Adaptive Reuse of Historic Buildings Special Permit. Any disapproval by the SPGA shall include identification of any modifications to the plan that would make it acceptable to the SPGA if the Applicant subsequently decides to make a new Application. This power shall not eliminate, decrease or abrogate the powers of any other Town board, committee, commission or other authority having legal jurisdiction, except to the extent that such power is specifically granted by this section. It shall be the duty and responsibility of the applicant to secure any and all other permits, licenses and approvals necessary to the project.
- (2). The criteria for decision shall include the following:
- (a) Preservation: The proposal preserves the historic building's exterior features to ensure sensitivity and compatibility with the surrounding neighborhood(s).
 - (b) The incentives granted shall be appropriate in degree and type to the scale and benefits the project will provide.
 - (c) Uses Permitted The reuse of buildings and the lot are is consistent with the uses allowedds in section B.
 - (d) Adequate Access and Parking: There are adequate provisions for safe access for pedestrians, motor vehicles and emergency services to the building and to the land on which it is situated.

- ~~(5)~~(3) The Historic Reuse Special Permit shall carry over to subsequent owners when the property is sold.

G. 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 [s3]as described in §174-10.