

### **3.3.5 Lower Village Business District**

#### **3.3.5.1 Purpose**

The purpose of the Lower Village Business District is to encourage the creation of an attractive gateway to Stow, informed by the traditions of a pedestrian oriented New England village, where residents and visitors can safely and conveniently live, work, shop, dine and recreate. The Lower Village Business District will project the history and character of Stow through the architectural compatibility of its buildings and streetscape, providing residents and visitors with a defined sense of place. It will be a place to meet and connect, with civic spaces for gathering, and services accessible by all modes of transportation.

The following core goals and objectives are intended to guide all development in the Lower Village Business District (LVBD). All proposed development and redevelopment in the LVBD shall meet the following goals and objectives:

- a. Encourage site plans that provide a balance of vehicle, bike and pedestrian infrastructure to create, enliven and unify the streetscape around a cohesive look and feel;
- b. Incorporate traditional New England development principles to create streetscape environments, and encourage context sensitive architecture and site planning;
- c. Create an attractive gateway to Stow, which leverages the tourism draw of the Town's seasonal attractions through the provision of FUNCTIONAL OPEN SPACES and public gathering places as locations that reinforce the identity and activity of the LVBD and the community;
- d. Encourage opportunities for small-scale mixed-use development that provides for diversified housing opportunities that complement and enhance uses in the District;
- e. Utilize low impact development and green infrastructure to manage stormwater in a manner that adds to the aesthetics and functionality of the District;
- f. Manage site access from Great Road to create opportunities for inter-lot connections and interior streetscapes.

#### **3.3.5.2 Applicability**

The site and design standards within this Section 3.3.5.2 shall be applicable to all Parcels within the LVBD. Site Plan Approval, in accordance with Section 9.3 of the Zoning Bylaw shall be required for all USEs in the Business District, and specifically as follows:

- a. Site Plan Approval shall be required for the following development activity:
  - A significant alteration to an existing BUILDING façade, including changes in the height, scale or massing of the BUILDING;
  - Work which results in the increase of floor area, through either an addition to the principal structure and/or the addition of a new accessory structure;
- b. A Special Permit shall be required for the following development activity:
  - A change in USE that results in a greater number of required parking spaces or requires Planning Board approval for a change in the required maximum allowed spaces in accordance with Section 3.3.5.27(C);

- Any activity requiring a new curb cut, and/or alteration to the circulation pattern of pedestrian and vehicles;
- Any activity or request of the Planning Board which requires Planning Board waiver or relief from certain provisions of this Section 3.3.5 in accordance with the following sub-sections:
  - i. Increase in maximum BUILDING setback in accordance with Section 3.3.5.14(a);
  - ii. Increase in maximum lot coverage in accordance with Section 3.3.5.20;
  - iii. Increase in maximum commercial tenant unit size in accordance with Section 3.3.5.19;
  - iv. Ground floor access to second floor residential units in accordance with Section 3.3.5.22(d);
  - v. Requirement for sidewalks on INTERNAL ACCESS DRIVES in accordance with Section 3.3.5.24(h);
  - vi. Relief from minimum parking standards in accordance with Section 3.3.5.27(c);
  - vii. Relief from certain requirements for parking at mixed-use facilities in accordance with Section 3.3.5.27(e).
- Nothing in this Section 3.3.5.2 shall require a Special Permit for a proposed use described in M.G.L. c.40 s.3 regarding statutory exemptions from the requirement for Special Permit Approval.

### 3.3.5.3 Allowed USEs

- a. Site Plan Approval shall be required for the following USEs in the LVBD:
  - NEIGHBORHOOD RETAIL CENTERS with retail and RETAIL SERVICE ESTABLISHMENTS, provided there is no mixed-use, mixed-use residential, restaurants or drive through service component;
  - Retail and RETAIL SERVICE ESTABLISHMENTS, including but not limited to banks, post offices, grocers, liquor stores, print and copy shops and dry cleaners;
  - All USEs in which a Special Permit shall not be required, pursuant to M.G.L. c.40A s.3 regarding statutory exemptions from the requirement for Special Permit Approval.
- b. A Special Permit shall be required for the following USEs are in the LVBD:
  - MOBILE FOOD VENDORS and POP-UP MARKETS, except in the event a Site Plan has been reviewed and approved in accordance with an applicable Town of Stow Select Board policy governing such USE on the subject parcel;
  - NEIGHBORHOOD RETAIL CENTERS which are proposed on the same site, or otherwise incorporate a mixed-use component or MIXED-USE BUILDING;
  - SPECIALTY RETAIL CENTERS, including multi-tenant sites with a mix of restaurants, retail and RETAIL SERVICE ESTABLISHMENTS;
  - Entertainment uses, including but not limited to music venues, bowling alleys

- and movie theaters;
- ARTISAN PRODUCTION provided that sufficient mitigating measures are employed to reduce noise that is above and beyond the typical expectation for small scale retail and service establishments;
  - Business or professional offices, either as single-USE BUILDINGS or as part of a NEIGHBORHOOD or SPECIALTY RETAIL CENTER, or other mixed-use development;
  - CLINICs, either as single-USE BUILDINGS or as part of a NEIGHBORHOOD or SPECIALTY RETAIL CENTER, or other mixed-use development;
  - Restaurant or other place for serving food and/or beverages, including MICRO BREWERIES, CRAFT BREWERIES and BREW PUBS;
  - Owner-occupied Bed and Breakfast homes or establishments;
  - Mixed-use development consisting of two or more of the above-listed uses on the same site or within the same BUILDING.
  - Mixed-use/residential development consisting of one or more of the above-listed uses together on the same site, or within the same BUILDING with construction of dwelling units in accordance with [Section 3.3.5.21](#).
  - Drive through service component of an allowed USE, provided its principal method of operation does not include sale of food and beverage directly to a customer in a motor vehicle;
  - USEs not otherwise permitted in the Lower Village Business District, if such uses preserve historic and/or culturally significant BUILDINGS and STRUCTURES, provided that the historic and/or cultural character of the site, and BUILDING or STRUCTURE, in the opinion of the Special Permit Granting Authority finds that such uses, with any necessary mitigation measures, are in harmony with the character and uses permitted in the Lower Village Business District.

The following USEs are expressly prohibited:

- The sale of food and beverage directly to a customer in a motor vehicle;
- Storage of vehicles, equipment and/or materials not incidental to an allowed use within the BYLAW;
- Motor vehicle service stations and other services that primarily exist for the purpose of providing services to motor vehicles.

#### **3.3.5.4 Special Permit Granting Authority**

The Planning Board shall act as the Special Permit Granting Authority for all Site Plan Review and Special Permit procedures associated with allowed USEs under this Section 3.3, and in accordance with Zoning Bylaw Section 9.2 – Special Permits, and 9.3 – Site Plan Review.

#### **3.3.5.5 Design Standards for the Lower Village Business District**

The following Design Standards shall be used as a tool to help guide development and redevelopment, assuring that advancing the vision for the LVBD is an integral part of the permitting process. The Design Standards are a set of principles that offer a positive direction for

BUILDING and site level design meant to incentivize creative development outcomes that support the evolution of Lower Village into a socially and economically vibrant District.

Architectural and site design shall conform to the intent and principles described in the design standards of Sections 3.3.5.6 – 3.3.5.11. Sufficient justification and/or rationale shall be provided in the Application for any derogations from design standard intent and/or principles described herein.

### 3.3.5.6 Architectural Design Standards

Residents of the Town of Stow have shown a strong preference for BUILDINGS that are cognizant of New England vernacular architectural traditions. Despite this preference, BUILDINGS in the LVBD are not required to appear historic, but rather respectful of historic traditions, while remaining functional and authentic. Architects are encouraged to look to the historic structures of Lower Village and Stow’s surrounding neighborhoods for inspiration.

All BUILDINGS and BUILDING additions shall be designed by an architect registered and/or licensed to do business in Massachusetts, unless otherwise waived by the Planning Board.

### 3.3.5.7 Architectural Design of BUILDINGS

- a. *Human Scaled Architecture* - The guiding principle of BUILDING design is that they shall be designed to the human scale. Human scale design may be represented in the following manner:
  - i. Each individual architectural element of a BUILDING should be proportionate in relation to the overall BUILDING design;
  - ii. The scale of the entire façade should relate to and be respectful of the human-scaled streetscape.
  - iii. Floor to floor heights should be governed by exterior proportions rather than building systems, and not be elongated or exaggerated to cover up functional elements.
  - iv. Uniformity in height shall generally be avoided. See façade design standards.
- b. *Architectural Style* - While no specific architectural style shall be required, proposed BUILDINGS and STRUCTURES shall be cognizant of New England architectural traditions. BUILDINGS shall be human scaled and designed to create a positive contribution to the STREET or INTERNAL ACCESS DRIVE upon which they are oriented.
- c. *Corporate Images* - Individual corporate image, trademark, or marketing architectural design elements and colors shall be incorporated only as secondary design elements of the BUILDING or SIGN and not as the dominant design element. These architectural design elements shall not define the character or style of the BUILDING or development.
- d. *Design Consistency* - A BUILDING’s architectural style shall be generally consistent throughout; details from different eras and inconsistent styles should not be mixed on a single building.



Example of incorporating façade and architectural design standards.

Source: *Contextual Design on Cape Cod | Design Guidelines for Large Scale Development*

#### 3.3.5.8 Façade Design

BUILDING facades shall be designed promote visual interest and street level activity where applicable. Similar to the overall design of BUILDINGS, the scale of the entire façade should relate to the human-scaled streetscape.

- a. *Architectural Details* - All sides of a building should contain architectural elements that define the overall architectural approach. Details such as texture, pattern, color, and building form used on the front façade should be incorporated on all facades as practicable.
- b. *Entrance Design* - Primary entrances to BUILDINGS shall be emphasized through detailing, massing, changes in materials, or other architectural methods to create entrances that are physically and visually accessible, welcoming and inviting, including but not limited to recessed entry ways, corner entries and other techniques.
- c. *Decorative Elements* - Decorative design elements shall be consistent with the architectural character of the BUILDING and scaled appropriately. Design elements shall add depth and visual interest to BUILDING facades, and could include the mixing materials and colors, decorative trim and molding, cornice details, stepped facades, and/or columns.
- d. *Massing and Articulation* - Façade articulations should be used to reduce the apparent length, monotony and mass of larger buildings, creating the illusion of several smaller buildings with common walls and a consistent rhythm of facades. All buildings shall have sufficient relief which interrupts the horizontal and vertical plane of each wall. Where appropriate, a repeating pattern of articulation may be used to provide continuity and balance.



Example of potential building articulation and roofline repetition along Route 117.  
Source: *Stow Planning Department*



Example of building footprint massing and articulation that provides opportunities for functional open space and breaks in the visual scale of the building.  
Source: *Contextual Design on Cape Cod | Design Guidelines for Large Scale Development*

- e. *Materials* - Materials such as brick, wood, stone, iron, and glass provide a sense of permanence to BUILDINGS, and should be used where appropriate to provide texture and visual interest to the streetscape and/or support transitions to FUNCTIONAL OPEN SPACES.
- f. *Awnings* – Awnings are permitted on BUILDINGS at a first floor entrance facing a public STREET or an INTERNAL ACCESS DRIVE. They may project over a public ROW provided that proof of insurance is provided. A minimum clearance of ten feet shall be maintained between the ground surface and the lowest element of the marquee or awning.
- g. *Functional Elements* – All vents, down spouts, flashing, electrical conduits, meters, service connections and other functional elements shall be treated as integral parts of the



design to the extent practicable. Where appropriate, these elements shall be painted to match the color of the adjacent surface, unless used expressly as an accent.

#### 3.3.5.9 Multi-Story BUILDING Design

To promote street level activity, multistory BUILDINGS shall be designed to provide a sense of “base,” “middle” (where applicable), and “top.”

- a. Ground-level facades along public STREETS or INTERNAL ACCESS DRIVES shall be given a “stronger” appearance than upper floors. Such a distinction between ground-level facades and upper floors may occur by incorporating two of the following features: color change, texture change and material change;
- b. Ground floor ceiling height shall be taller than upper stories to emphasize the ground floor as the “base” of the buildings. Ground floor ceiling heights should be a minimum of 10 feet;
- c. Middle floors of BUILDINGS shall be made distinct from the ground floor by a change in material or color, window treatment, incorporation of balconies, stepbacks, signage bands, and other elements as appropriate. Horizontal moldings, belt courses, or other features should be utilized to create visual separation between each story of the building.
- d. The top of the building shall emphasize a prominent edge when viewed against the sky, utilizing elements such as projecting parapets, cornices, upper level stepbacks, pitched rooflines or other design elements as applicable.

#### 3.3.5.10 Sign Design Standards

Commercial signage in the LVBD should reflect the vitality of the District and add value and a sense of continuity to the surrounding area.

- a. Form should follow function. E.g., signs along a pedestrian oriented streetscape should be scaled to the pedestrian, potentially in the form of a hanging sign above the business establishment or other options that include texture or architectural components that can encourage pedestrian traffic;
- b. All signs should reflect or otherwise complement the design, architectural style and materials of the BUILDING, landscape design style, site or District as applicable. For instance, sign borders may be trimmed with corresponding elements, such as moldings that reflect the architecture of the BUILDING. Top caps or other embellishments could be added to sign posts;
- c. New construction should anticipate signage, and provide logical sign areas allowing for flexibility for new users as the building is reused over time;
- d. Signs and awnings on a BUILDING should enhance or fit within a BUILDINGS architecture, rather than obscure architectural elements. This can be achieved by locating signs within specific architectural sign bands whether on the subject BUILDING or creating continuity with sign bands on adjacent BUILDINGS;

e. Sites with multiple signs should seek to coordinate the materials, letters and styles to the extent practicable for the purpose of providing a shared identity to the site and overall District;

f. Corporate logos and graphics should be incorporated into the sign design, rather than become the sign itself.

### 3.3.5.11 **BUILDING Siting and Orientation**

The siting and orientation of BUILDINGS in the LVBD shall adhere to the principles of vibrant, pedestrian-oriented streetscapes. The Planning Board encourages site designs that offer decentralized parking and alternative streetscape environments to use the BUILDING as a focal point to draw in customers and visitors to the interior of the site in a safe, pedestrian-oriented manner.

a. *INTERNAL ACCESS DRIVES* – Applicants are encouraged to design INTERNAL ACCESS DRIVES as a tool for:

- i. Creating internal streetscape environments either perpendicular or parallel to Great Road/Route 117, or within the site;
- ii. Siting the primary orientation of BUILDINGS to create visual interest and allow multiple BUILDINGS within a development to relate to each other in a manner that enhances pedestrian access;
- iii. Activating the primary entrances of BUILDINGS and NEIGHBORHOOD and SPECIALTY RETAIL CENTERS that are oriented toward Great Road/Route 117;
- iv. Positioning access points for potential future inter-lot connections where current connections are not physically possible, or where agreement between landowners has not been reached.



Example of Internal Access Drive positioned for streetscape parking off Route 117.  
Source: Stow Planning Department



- b. *Inter-Lot Connections* – Connections between sites should be prioritized to reduce the number of vehicles utilizing entrances onto Great Road. In areas where an inter-lot connection may be preferred in the future, the location may be striped for parking in the interim period to ensure the connection point is maintained.
- c. *Streetscape Orientation* - The primary facades and main pedestrian entrances of BUILDINGS shall be situated on a STREET or INTERNAL ACCESS DRIVE with the emphasis on orientation toward streetscape environments.



Example of neighborhood retail center that is oriented toward an internal access drive.

Source: *Contextual Design on Cape Cod | Design Guidelines for Large Scale Development*

- d. *Entrances* - At least one customer entrance shall be provided along a building face that fronts a STREET or INTERNAL ACCESS DRIVE. Where frontages are on both a public STREET and an INTERNAL ACCESS DRIVE, one entrance shall be located on the public STREET.
- e. *Site Cohesion* - Multiple buildings on the same site should be designed to create a cohesive visual relationship, as well as efficient circulation and access for pedestrians and vehicles. Accessory BUILDINGS should be designed to complement the primary BUILDING and/or USE on the site in design and material expression.
- f. *Location on Site* - BUILDING placement should take best advantage of solar orientation, climatic and other environmental conditions, should encourage safety and use of adjacent FUNCTIONAL OPEN SPACES.
- g. *Orientation to Open Space* - BUILDINGS adjacent to public open space and/or FUNCTIONAL OPEN SPACE should generally be oriented to that space as practicable.
- h. *Incorporation of FUNCTIONAL OPEN SPACE* - Land within the allowable setback should include FUNCTIONAL OPEN SPACES that accentuate and enliven the streetscape, including but not limited to shade trees and landscaping, pedestrian plazas, outdoor dining spaces, benches and bike amenities. Areas of lawn, without trees or landscaping shall be discouraged in the setback area. The design of proposed FUNCTIONAL OPEN SPACE shall anticipate future connections of FUNCTIONAL OPEN SPACE on abutting properties and provide design opportunities for such connections where applicable;



Example of courtyard space in Falmouth, MA.

Source: *Contextual Design on Cape Cod | Design Guidelines for Large Scale Development*

- i. *Low Impact Development* - Implementation of Low Impact Development techniques is strongly encouraged, including, but not limited to, storm water management practices, alternative surfacing materials, building and site design elements, and landscaping features.
- j. *Sustainability* - The practice of creating structures and using processes that are environmentally responsible and resource-efficient throughout a building's life-cycle from siting to design, construction, operation, maintenance, renovation, and deconstruction are strongly encouraged.
- k. *Utilities* - All electrical utilities shall be located underground.

#### 3.3.5.12 **Parking**

The intent of parking in the LVBD is to incentivize decentralized parking areas that maintain a pedestrian streetscape environment, are oriented to incentivize shared arrangements and use with abutting LOTs, and landscaped to soften their visual impact. The following standards shall apply:

- a. Parking shall be located, to the maximum extent practicable, toward the side and rear of BUILDINGs and along property lines where joint-use or combined parking areas with abutting properties are proposed, exist or are anticipated;
- b. On-street parking on INTERNAL ACCESS DRIVEs should be utilized to the extent practicable to promote active pedestrian streetscapes, provide for efficiency of circulation, and create opportunities to enliven the district;
- c. Parking shall be visually broken up to create a series of smaller groupings;
- d. Parking lots shall be designed to accommodate snow storage on site or a plan for off-site storage shall be approved;
- e. Landscaping within parking lots shall be designed to create spaces, define edges, provide shading, add seasonal interest and provide water quality treatment for runoff.
- f. Shade trees shall be evenly distributed within parking areas, and shall be placed to maximize shading affect;

- g. Shared parking is strongly encouraged to reduce vehicular traffic, minimize impervious surface and encourage pedestrian movements between buildings;
- h. Accommodations for electric vehicle charging stations shall be provided to the extent practicable.

### 3.3.5.13 Dimensional Requirements

Development in the LVBD shall consist of work on a single PARCEL, or on multiple PARCELS under single ownership, with definite boundaries ascertainable from a deed or recorded plan. There shall be no minimum width, frontage, or lot area in the LVBD. Any PARCEL or LOT created in the LVBD, inclusive of any proposed USE, BUILDING or STRUCTURE, which lacks frontage on a STREET or way, or adequate width frontage width for accessing the use intended, shall provide evidence of deeded, legally enforceable access rights through a private driveway or access road.

### 3.3.5.14 Front YARD Setbacks

Setback requirements in the LVBD are intended to create active streetscapes with a diversity of landscaped areas, pedestrian amenities, and FUNCTIONAL OPEN SPACES in accordance with the Streetscape Orientation design criteria of 3.3.5.11. Front YARDS shall be the distance measured in a straight line between the LOT frontage and the nearest point of any BUILDING or STRUCTURE. The standards of Bylaw Section 4.3.2.6(1-4) shall not apply to PARCELS in the LVBD.

- a. Setbacks from Great Road – Front YARD setbacks shall be a maximum of thirty (30') feet along Great Road.

Front yard setback requirements may be amended by the Planning Board for the following purposes provided the Design Standards of 3.3.5.6 – 3.3.5.11 are met:

- 1) To allow additional BUILDINGS toward the rear of a LOT, such as in courtyard configurations, provided that the forwardmost BUILDING(s) on the lot comply with the front setbacks listed in this Section.
  - 2) To allow for a BUILDING that includes multiple façade setbacks due to bump-outs, recesses, or other architectural features;
  - 3) To allow for a BUILDING that includes an angled orientation to the STREET;
  - 4) To allow for improved location and usage of pedestrian plazas, courtyards, terraces, outdoor dining spaces or other FUNCTIONAL OPEN SPACE.
- b. Parking for vehicles shall not be allowed within the required BUILDING setback, unless provided for the purpose of creating a streetscape environment on an INTERNAL ACCESS DRIVE in accordance with Section 3.3.5.11(a) of this Bylaw.
  - c. The requirements of Section 4.3.1.2 regarding corner setbacks shall not apply to the LVBD, provided that the Applicant can demonstrate, through plans stamped by a registered engineer, that adequate sight lines exist for vehicles travelling in all directions.

### 3.3.5.15 Side and Rear Yard Setbacks

The minimum side and rear yard setback shall be zero (0) feet except where the side and/or rear yard of a PARCEL shares a LOT line with the Residential District, in which case the requirements of **Section 3.3.5.16** shall apply.

### 3.3.5.16 Buffer to Abutting Districts

The purpose of this Section is to mitigate the impacts of increased headlight glare, noise, waste management and other impacts associated with increased business and economic activity in the LVBD from abutting residential properties, DWELLING UNITs and Districts.

- a. For LVBD PARCELS which abut the Residential District, the Planning Board shall require a thirty (30)' foot, substantially opaque landscaped buffer and/or fence, which is designed to minimize impacts from abutting residential parcels<sup>7</sup>. For the purpose of this Section, the Lower Common, shown on Assessors Map R-30, Parcel 1, shall not be considered a Residentially zoned parcel. Where a STRUCTURE, or BUILDING is proposed within fifty (50) feet of an existing residential DWELLING UNIT in the abutting Residential District, the Planning Board may increase the width of the landscaped buffer and/or require installation of a fence.
- b. All Parking Lots and loading areas, shall be setback thirty (30') feet from the abutting Residential or Recreation Conservation District, and shall include a landscaped buffer, designed in accordance with **Section 3.3.5.203.3.5.17** of this Bylaw.
- c. Where a parking lot or loading area is proposed within fifty (50') feet of an existing DWELLING UNIT in the abutting Residential District, the Planning Board may increase the width of the landscaped buffer and/or require installation of a fence or other comparable screening method.
- d. Exposed storage areas, machinery, garbage "dumpsters," service areas, truckloading areas, utility buildings and structures shall be screened from the view of abutting properties and STREETS..

### 3.3.5.17 Landscaping Plan

Applications in the LVBD shall include a landscape plan designed by a professional landscape architect registered to do business in the state of Massachusetts. The Planning Board may accept a plan prepared by one other than a landscape architect if it believes the plan meets the design requirements below.

- a. Buffer areas shall be designed to form an opaque screen as plantings mature, for the purpose of mitigating the impact of abutting business USEs. Visual screening is required to a height of at least six (6) feet with intermittent visual obstruction to a height of at least twenty (20) feet.

- b. The opaque screen may be composed of walls, FENCES, landscaped berms or densely planted vegetation in a mix of deciduous and evergreen varieties, tolerant to the climatic conditions of Stow. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten (10) feet wide.
- c. Trees, shrubs, grass and ground cover which die or become diseased within the first year of installation, shall be replaced.

#### 3.3.5.18 **Maximum Height of Structures**

The intent of height limitations is to allow three occupied floors, with the uppermost occupied floor to be within a sloped roof to lessen the visual mass. No BUILDING shall have more than three (3) stories. The maximum height of BUILDINGS, including MIXED USE BUILDINGS and STRUCTURES shall be 35 feet.

Rooftop gardens, patios, or other non-enclosed features designed for leisure shall not constitute a separate floor for the purpose of this bylaw.

The Planning Board may permit BUILDINGS of heights greater than 35 (thirty-five) feet in accordance with Section 4.2.1 of the Zoning Bylaw.

#### 3.3.5.19 **Maximum Commercial Tenant Unit Size**

The purpose of this section is to minimize the potential for large, single use BUILDINGS to detract from the vibrancy, interest and pedestrian orientation of the LVBD. The maximum commercial tenant unit size within a BUILDING shall be limited to 20,000 square feet of GROSS FLOOR AREA.

The Planning Board may increase the allowable commercial tenant unit size where the Applicant can demonstrate that the BUILDING and/or site plan aligns with the Design Standards for the LVBD, and specifically includes design elements that support an active pedestrian environment.

- a. The BUILDING will have at least two commercial tenants;
- b. The site plan is designed in a manner which aligns with the Design Standards of this Section and which specifically orients parts of the BUILDING to pedestrian accessible streetscapes, either on Great Road or through INTERNAL ACCESS DRIVES;
- c. Exterior walls and/or sides of the BUILDING that contain loading zones are situated in a manner that does not infringe upon the streetscape.

#### 3.3.5.20 **Performance Standards**

The following Performance Standards are meant to incentivize site planning that meets the intent of the Design Standards in Sections 3.3.5.6 – 3.3.5.11, while ensuring the Planning Board has an opportunity to mitigate development impacts depending on individual site characteristics. The Planning Board shall require compliance with the following standards on all LOTs in the LVBD.



### 3.3.5.21 MIXED USE BUILDING Standards

The purpose of allowing MIXED USE BUILDINGS in the LVBD is to provide for increased viability of the District’s commercial USEs and to diversify small-scale housing opportunities in Stow.

#### *Development Standards for MIXED USE BUILDINGS*

Location within BUILDING	DWELLING UNITs shall be prohibited on the ground floor of any BUILDING in the LVBD except as may be allowed in accordance with <b>Section 3.3.5.22(d)</b> of this Bylaw.
Maximum Number of Bedrooms	Two (2)
Dwelling Units Per Acre	Six (6)

### 3.3.5.22 Ground Floor USEs

The ground floor of BUILDINGs shall be primarily occupied by USEs that promote an active streetscape and are designed in accordance with the Design Standards established in **Sections 3.3.5.6 – 3.3.5.11**. The following performance standards shall also apply to ground floor USEs:

- a. Ground floor BUILDING facades that contain entrances to ground floor USEs, shall have a defined arrangement and/or pattern of windows and doors. The Planning Board may require up to 50% of the ground floor wall area include transparent windows where the BUILDING is anticipated to include retail or RETAIL SERVICE ESTABLISHMENTs;
- b. Garage doors, including loading bays and docks are prohibited from the primary façade of BUILDINGs;
- c. Garage doors serving DWELLING UNITs shall not be located along the primary façade of BUILDINGs, or along the facade facing directly upon a public way;
- d. The Planning Board may permit ground floor DWELLING UNITs or associated storage spaces and/or stairway access within a multi-story MIXED USE BUILDING, provided the following:
  - i. The inclusion of such USEs conforms to the Design Standards established in **Sections 3.3.5.6 – 3.3.5.11**;
  - ii. DWELLING UNIT design and placement adds definition to adjacent commercial establishments and between USEs through architectural detailing, landscaping and other site design methods;
  - iii. No more than 50% of the total allowed number of DWELLING UNITs on the site are located on the ground floor.

- b. The Planning Board may permit ground floor DWELLING UNITS within a single story BUILDING provided that DWELLING UNITS occupy no more than 50% of the GROSS FLOOR AREA.

### 3.3.5.23 Incorporation of FUNCTIONAL OPEN SPACE

The incorporation of FUNCTIONAL OPEN SPACES on LVBD sites is meant to create space for civic interaction, provide opportunities for future outdoor events and displays and to generally encourage activity that contributes to the vibrancy of the District. All developments requiring an LVBD Special Permit and/or Site Plan Approval shall include at a minimum, five percent (5%) of the LOT area as FUNCTIONAL OPEN SPACE. Amenities that qualify as FUNCTIONAL OPEN SPACE may be contiguous or spread among various locations on the site.

In approving the Site Plan, the Planning Board will look for demonstration that the following opportunities have been considered:

- a. Proposed developments shall connect to abutting FUNCTIONAL OPEN SPACE areas where applicable to create a contiguous streetscape environment and improve village amenities;
- b. Portions of the FUNCTIONAL OPEN SPACE may be designed to function as low impact development and/or green infrastructure stormwater management areas, including but not limited to rain gardens, xeriscape landscapes, swales and other techniques. Such infrastructure may be incorporated into the FUNCTIONAL OPEN SPACE where such management techniques improve the aesthetics and/or functionality of the space.
- c. The Planning Board may require benches, sitting walls, waiting areas, bicycle racks, stroller bays, sheltered spaces near building entrances or other amenities that encourage interaction and activity.

### 3.3.5.24 INTERNAL ACCESS DRIVES

INTERNAL ACCESS DRIVES shall be designed in accordance with the Design Standards of Section 3.3.5.11(a). The following performance standards shall also apply to the design of INTERNAL ACCESS DRIVES:

- a. INTERNAL ACCESS DRIVES intersecting with Route 117/Great Road shall be positioned to align with existing intersections to the extent practicable;
- b. Parking spaces designed in a manner similar to traditional parallel or angled on-street parking is encouraged where practicable. Parking spaces shall be designed in accordance with Section 7.5 of the Zoning Bylaw.
- c. Turning radii and travel lane widths shall be designed to accommodate SU-30 emergency apparatus;
- d. INTERNAL ACCESS DRIVES shall be designed with measures to provide maximum safety and mobility for pedestrians, cyclists and motorists where practicable. Measures may include but not be limited to:

- i. Bulb-outs / Curb extensions;
  - ii. Center island medians;
  - iii. Landscape treatments;
  - iv. Pedestrian refuge islands;
  - v. Raised crosswalks, speed humps and tables;
  - vi. Rectangular rapid flashing beacons; and
  - vii. Other measures as applicable.
- e. One (1) street tree shall be required for every thirty (30) feet of INTERNAL ACCESS DRIVE length, either provided at intervals or clustered to improve overall site aesthetics. The Planning Board may allow for a reduction in the number of required street trees where parking area shade trees are provided in close proximity, in accordance with Section 3.3.5.29 of this Bylaw.
- f. Curbing and structured drainage facilities shall be provided pursuant to the Stow Zoning Bylaw, Stow Subdivision Rules and Regulations, and all state and federal regulations.
- g. Other than secondary access for emergency use, no driveway for a non-residential principal USE shall cross land in a residential zoning district in which the principal use is not allowed.
- h. Sidewalks which meet the Massachusetts Architectural Access Board design standards shall be installed along both sides of INTERNAL ACCESS DRIVES. The Planning Board may waive the requirement for sidewalks along INTERNAL ACCESS DRIVE where the following design criteria are met:
  - i. There are portions of the INTERNAL ACCESS DRIVE which are primarily used for vehicle circulation and pedestrian circulation is otherwise adequately provided on the site pursuant to the Design Standards;
  - ii. Sidewalks and walkways that provide alternative pedestrian access are present adjacent to or within the parking area;
  - iii. The INTERNAL ACCESS DRIVE either currently does not, or is unlikely to be used to provide pedestrian connection to an existing or proposed BUILDING or pedestrian destination.

#### 3.3.5.25 Sidewalk Standards

Sidewalks are intended to connect all areas of a site that pedestrians may utilize. The standards are meant to ensure active BUILDING frontage, with ample space for outdoor displays, dining and wheelchair accessibility.

- a. In addition to the sidewalk requirements along INTERNAL ACCESS DRIVES, sidewalks and/or walkways are required to connect pedestrian destinations, including but not limited to:
  - i. Connecting the entrances between multiple BUILDINGs on site;
  - ii. Connecting to and from existing sidewalks along Great Road or INTERNAL ACCESS DRIVES;

- iii. Connecting to adjacent FUNCTIONAL OPEN SPACE or public features, such as parks and playgrounds, courtyards, etc.
- b. Unless otherwise stated in this Section, all sidewalks and walkways shall meet the minimum requirements of the Massachusetts Architectural Access Board (MAAB);
- c. The Planning Board may allow sidewalks to be located wholly or partially within the street right of way, where such location will enhance the existing streetscape and where all necessary easements for continued pedestrian use are provided;

### 3.3.5.26 Pedestrian Access to BUILDINGS

Sidewalks and walkways shall service the primary entrances and/or facades of all BUILDINGS on a site in accordance with the Design Standards of Section 3.3.5.6 – 3.3.5.11.

- a. Sidewalks and/or walkways along a BUILDING façade shall be at least ten (10) feet wide. The Planning Board may alter this requirement where the addition of landscaping or FUNCTIONAL OPEN SPACE offers improved streetscape design;
  - i. Sidewalks servicing the primary entrances of BUILDINGS shall be separated, as practicable, from the STREET or INTERNAL ACCESS DRIVE with a landscaped buffer to protect pedestrians from parking and create an inviting streetscape. The landscaped planting zone between the sidewalk and STREET, parking area or INTERNAL ACCESS DRIVE, shall extend at least 50% of the façade length.
  - ii. Landscaped buffers shall consist of shade trees placed at intervals as described in Section 3.3.5.24(e) along with other landscaping, and street design elements such as benches, shrubs, or grass. Landscaping shall be organized in clusters of plantings where applicable rather than in a rigid line along the front of the lot. Landscaped buffers that include street design elements may be counted toward the 5% minimum FUNCTIONAL OPEN SPACE.
- b. To the extent practicable, sidewalks shall have a degree of shelter achieved through the combined use of building fronts, trees, low hedges, arcades, trellised walks, or other means to delineate the pedestrian space;
- c. Outdoor restaurant and café seating, merchandise displays, planters, and sandwich board signs placed on the sidewalk shall leave a pathway along the sidewalk of at least four (4') feet that is free of obstruction.

### 3.3.5.27 Parking Requirements

The purpose of this Section is to incentivize decentralized parking areas that provide a diversity of walkable, pedestrian streetscape environments that are oriented to encourage shared arrangements with abutting lots and landscaped to soften their visual impact.

- a. *Conformance to Design Standards* – Any parking area serving a USE or USEs allowed in the LVBD shall be designed in compliance with the following standards and design guidelines in Section 3.3.5.8;

- b. *Parking Lot Construction* - Required parking spaces, loading areas and INTERNAL ACCESS DRIVES shall be provided and maintained with suitable grading, paved surfaces and adequate drainage which is suitable in accordance with good engineering practices.
  - c. *Minimum Parking Accommodations* The base parking schedule for the Lower Village Business District shall be approved in accordance with Section 7.3.3.5 of the Zoning Bylaw and shall apply to individual uses in the Lower Village Business District. As part of the LVBD Special Permit process, the Planning Board may permit reductions or increases to the requirements of the Schedule of Parking.<sup>1</sup> The Planning Board shall consider the following criteria upon request to alter the Schedule of Parking in Section 7.3.3.5 of the Zoning Bylaw:
    - i. The extent to which the parking design maximizes pedestrian flow to, from and within the development;
    - ii. The extent to which the parking design improves the overall conformance to the design guidelines in Sections 3.3.5.6 – 3.3.5.11;
    - iii. Existing or proposed shared parking agreements;
    - iv. Parking studies, reports or testimony from qualified professionals, indicating the rationale for alternative parking minimums and/or maximums for the USE proposed;
    - v. Existence and or proposed use of inter-lot connections.
  - d. *Maximum Parking Space Grouping* – To encourage decentralized parking arrangements, no more than twenty (20) parking spaces shall be grouped together without separation conforming to the parking landscaping requirements in Section \_\_\_\_.
- The Planning Board may permit more than twenty parking spaces in one grouping provided that such grouping decreases impacts to abutting residential PARCELS, allows for improved FUNCTIONAL OPEN SPACE, or provides opportunities for streetscape environments to be created along INTERNAL ACCESS DRIVES.
- e. *Parking Accommodations for Mixed Use Facilities* - MIXED USE BUILDINGS, or LOTS which contain more than one USE, are considered mixed-use facilities. In the case of mixed-use facilities, the parking requirements shall be the sum of the requirement calculated separately for each use, so that adequate space shall be provided to accommodate all vehicles anticipated on the premises at any one time. The Planning Board may permit a reduction in the number of parking spaces required where at least one of the following criteria can be met:
    - i. The application demonstrates that the differing USEs proposed have differing peak parking requirements;
    - ii. The application includes proposals for shared parking agreements to manage parking demand.

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<sup>1</sup> Smart Growth/ Smart Energy Toolkit – TND\_INC Model Bylaw



- f. *Required Off-Street Loading Areas* - One or more off-street loading areas shall be provided for any business that may be regularly serviced by delivery vehicles, including container trucks, SU-30 design vehicles or other similar delivery vehicles. Adequate areas shall be provided to accommodate all delivery vehicles expected at the premises at any one time. Loading areas shall be located at either the side or rear of each BUILDING and shall be designed to avoid traffic conflicts with vehicles using the site or vehicles using adjacent sites.
- g. *Comparable USE Requirement* – Where a USE is not specifically included in the Schedule of Parking, it is intended that the regulations for the most nearly comparable USE specified shall apply. Alternative parking standards to those required in Section 7.3.3.5 may be accepted if the applicant demonstrates to the satisfaction of the Permit Granting Authority (BUILDING INSPECTOR if no special permit or site plan approval is required), or their designee, that such standards are adequate for the intended USE.
- h. *Location of Parking Facilities* – Parking in the LVBD is not intended to be the dominant feature of a proposed site plan. Parking facilities shall be located at the side or rear yard of BUILDINGS, in accordance with the design guidelines in Section 3.3.5.8.  
  
Parking facilities shall not be allowed within the required BUILDING setback, unless the following design criteria are met:
  - i. The parking is along an INTERNAL ACCESS DRIVE, designed to resemble on-street parking and/or a pedestrian friendly street frontage for BUILDINGS, including angled or parallel parking;
  - ii. A sidewalk is located between the BUILDING and the INTERNAL ACCESS DRIVE, which meets the sidewalk standards of Section 3.3.5.17.
- i. *Standard Parking Dimensional Regulations* - Parking dimensions shall be designed in accordance with Section 7.5 of the Zoning Bylaw.
- j. *Inter-lot Connections* – Inter-lot connections for vehicles and pedestrians are encouraged to improve connectivity of the District, and to avoid unnecessary vehicles trips to and from Great Road. The Special Permit Granting Authority (SPGA) may require driveway and walkway connections to abutting LOTS where practicable. Where such connections are not available due to existing conditions on abutting LOTS, the SPGA may require amendments to the site plan to allow efficient connections in the future.<sup>2</sup>
- k. *Changes in USE* – Any change to a BUILDING, STRUCTURE or USE, or a change from on permitted USE to another permitted USE shall comply with the requirements of the Schedule of Parking for the entire BUILDING, STRUCTURE or USE as changed.
- l. *Undetermined Uses* – here the tenants of a BUILDING or USE has not been determined at the time of application for Building Permit or Lower Village Business District Special Permit, the parking requirements applicable to the most intensive use allowed in the district

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<sup>2</sup> Town of Acton Zoning Bylaw, April 2016

where such undetermined use is to be located shall apply provided, however, that the number of parking spaces actually built need not exceed the number required by the actual USE or USEs of the BUILDING when established to the satisfaction of the permit granting authority by calculation and/or appropriate condition or covenant in recordable form. The SPGA may alter the number of spaces required in accordance with Section 3.3.5.18(a).

#### **3.3.5.28 Parking Facility Buffer from Abutting Districts**

- a. Off-street parking and loading areas which are located within twenty (20') feet of a Residential District or a Recreation-Conservation District boundary (whether on the side or rear) shall be screened from all adjacent LOTS in said districts by a landscaped buffer strip of at least ten (10') feet in width. Landscaped buffers shall be improved with grass, trees, shrubs, flowers, or other materials to an adequate height and density to visually obscure parked vehicles from view. The mix of deciduous and evergreen vegetation varieties shall be tolerant to the climatic conditions of Stow.
- b. The Planning Board may reduce the width of the landscaped buffer or parking screening in certain locations on the site plan where strict conformance would derogate from the intent of the design standards.
- c. Where parking is located adjacent to a public STREET or INTERNAL ACCESS DRIVE, it shall be screened with a year-round screen between the parking and the sidewalk. The screen shall have a height between 36" and 42" and consist of a combination of landscaping and/or fencing. Screening areas shall be between 4 and 7 feet in depth. Pedestrian access to the parking lot shall be provided from the sidewalk as well as from any INTERNAL ACCESS DRIVE or commercial driveway as applicable.

#### **3.3.5.29 Perimeter Planting Strip**

Parking lots adjacent to STREETS, sidewalks, paths or INTERNAL ACCESS DRIVES shall include a perimeter planting strip four (4) to seven (7) feet wide. The planting strip shall be protected from vehicular damage through the use of planting beds that may be raised above the surface of the parking lot, through the use of concrete wheel stops, or other measures to ensure that vehicles will not damage the landscaping. The planting strip may include non-opaque fencing, such as iron, or other materials that can provide an attractive, physical separation between the parking, and pedestrian or vehicular passages.

- a. *Shade trees* – One shade tree shall be provided for each two thousand (2,000) square feet or less of pavement area. Each shade tree shall be from a deciduous species rated for U.S.D.A. Hardiness Zone 5 that is expected to reach at least 20 feet in height at maturity; be seven (7) feet in height with a trunk caliper size of at least (3) inches at the time of planting; and be surrounded by a landscaped area of one hundred square feet (100 sq. ft.) to accommodate the root system of the tree. Additional landscaping may be required by the Planning Board to better screen the parking lot from the STREET and adjacent USES.
- b. *Plantings* – Plantings for landscaped areas shall include a mixture of flowering and decorative deciduous and evergreen trees and shrubs and shall be planted with suitable ground cover. Where practicable, native plants and other drought tolerant species shall be utilized to reduce water consumption.

- a. *Sight Distance* – All landscaping along any STREET shall be placed and maintained so that it will not obstruct sight distance.

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