

Town of Chelmsford
Route 40 Study Committee
Meeting Minutes
April 11, 2019

Members Present: Pamela Armstrong, Emily Antul, Nancy Araway, Virginia Crocker Timmins, Nance Gillies, Mike Walsh, Donald Van Dyne

Members Absent: None

Pam Armstrong called the meeting to Order at 7:00pm.

MINUTES: Mike Walsh motioned to approve the March 12, 2019 minutes. Nancy Araway seconded. Donald Van Dyne abstained. Emily Antul was absent for the vote. All others in favor.

REVIEW OF DRAFT ARTICLES:

The Committee reviewed the next revision of the draft Town Meeting Articles. Discussion points included:

Article x1 – Revise Zoning of Area along Rt. 40:

- Correct typo. Lot 18-84-4 should be 17-84-4.

Article x2 – Apply Overlay Zoning to Area along Rt. 40:

- Correct typo. Lot 18-84-4 should be 17-84-4.

Article XXV – Continuing Care Community Overlay District:

- 195-148 Paragraph 2: Delete “The CCCOD can be applied as an overly to any zoning district”. This overlay was developed specifically with the demographics and characteristics of the north side of Groton Road west of Route 3 in mind. Application to other areas in town may require judicious modifications and tailoring.
- 195-150 Paragraph B-(2): Change language “Nursing/convalescent or rehabilitation homes” to “Nursing/convalescent homes”. Check with town counsel on whether the language can take exception to substance abuse rehabilitation facilities, and if so, change the exception language from “drug rehabilitation” to “excepting substance abuse rehabilitation facilities”.
- 195-150 Paragraph C-(1): Change “Commercial uses not exceeding 2000 square feet including:” to delete the word “commercial” and instead state “Uses supporting the CCCOD Overlay District not exceeding 2000 square feet including:”
- 195-150 Paragraph C-(1)-(c): Change to “Retail stores and services”, deleting “not focused on sales to the Senior population, under 1500 square feet”. The intent is retail stores and services “supporting the CCCOD Overlay District” as stated in the introduction C-(1).
- 195-150 Paragraph C-(2): Delete this paragraph in its entirety. It is now covered by the last article.
- 195-150 Paragraph C-(3): Change “...limited to Senior Citizen (over 55) occupancy...” to “...limited to 55 and over occupancy...”
- 195-150 Paragraph C-(5): “Maximum building coverage and floor area ratio may be increased by up to 50% above that required by the underlying Zoning District.” Change this such that the 50% floor area ratio increase excludes retail and services and includes only residential living and nursing facilities. Specifically, it includes the housing defined in 194-48 Paragraph 1.
 - Note: While this change is to be incorporated in the final Committee recommendations, Donald Van Dyne and Nancy Araway requested that the minutes reflect their desire to apply the 50%

floor area ratio to commercial businesses in addition to residential. The majority decision of the committee to restrict the 50% floor area ratio increase to only residential facilities was made with the intent to minimize overdevelopment of commercial spaces and to eliminate provisions that would encourage development of strip malls.

- 195-151 Paragraph B: Delete this paragraph requiring new construction to be a minimum of 2 actively used stories high. The Committee decided that building height should be left to judicious choices considering aesthetics and market demand for uses.

Article x3 – Modify the CEIOD overlay to permit multifamily residential use in IA Districts:

- Enabling embedded housing in industrial areas is not part of this Committee's discussions or recommendations. Delete from this document and work as separate recommendation outside of the Committee if desired.

Emily Antul motioned to endorse the Articles recommendations with the changes incorporated. Mike Walsh seconded. All others were in favor.

Donald Van Dyne requested that the minutes request his desire to zone this area of Route 40 Commercial.

FINAL REPORT DRAFT OUTLINE:

Mike Walsh distributed a draft outline for the Final Report. The committee provided input to the outline which included:

- Moving the order of some sections such that the first three sections are Executive Overview, The Town's August recommended change, and Members of the Committee.
- Section covering Recommended Zoning Change by the Town August 2018:
 - Address 2 Meetings in August – Planning Board Public Meeting on August 8th and the Public Hearing, which was 2 sessions long on August 22nd and August 29th.
 - Include establishment of Committee as outcome from Public Hearing.
- The intent is to provide bound copies of the report to the Planning Board in addition to accommodating the Planning Board's request to conduct a PowerPoint presentation.

PUBLIC INPUT SESSION

No one provided public input at this meeting.

MEETING ADJOURNMENT: The meeting was adjourned at 8:10pm.

NEXT MEETING: Initially planned May 9, 2019 at 7:00pm during this meeting. Subsequently rescheduled to May 28, 2019.

Route 40 North Side Draft Articles Reviewed at Route 40 Study Committee Meeting on April 11, 2019

Town Meeting Article x1 – Revise Zoning of Area along Rt. 40

To revise the zoning of properties directly abutting and north of Rt. 40 and west of Rt. 3, from RC to IA, to include properties identified by Book and Lot as 10-22-1, 16-22-1, 16-22-2, 17-22-1, 17-22-2, 17-22-3, 17-22-4, 17-22-5, 17-22-6, 17-84-1, 17-84-2, 17-84-3, 18-84-4, 17-84-5, 17-84-6; ~~and apply a new Continuing Care Community Overlay District to the entire Limited Industrial (IA) District thereby created, as follows~~

Town Meeting Article x2 – Apply Overlay Zoning to Area along Rt. 40

Apply a new Continuing Care Community Overlay District (CCCOD) to the area north of Route 40 and west of Route 3, to include properties identified by Book and Lot as 10-22-1, 16-22-1, 16-22-2, 17-22-1, 17-22-2, 17-22-3, 17-22-4, 17-22-5, 17-22-6, 17-84-1, 17-84-2, 17-84-3, 18-84-4, 17-84-5, 17-84-6, as follows:

Article XXV# –Continuing Care Community Overlay District

§ 195-148 Establishment of overlay district

The Continuing Care Community Overlay District (CCCOD) addresses changing Town and regional market conditions, specifically the need to provide housing opportunities to the growing population of senior citizens. The CCCOD that defines the framework for an Aging-in-Place Community that provides individual and multi-family housing opportunities, facilitated and independent senior living facilities, and graduated healthcare support service, with readily available Personal Care Services.

The CCCOD can be applied as an overlay to any zoning district. Plans submitted under the CCCOD are required to meet these basic requirements and objectives:

A.

Promotes orderly, effective and quality development and redevelopment;

B.

Provides housing opportunities that will be compatible and complementary with the surrounding area;

C.

Enhances the aesthetic qualities and characteristics of the area, such as architectural style, streetscape character, open space, connectivity, and overall setting in a manner that protects and enhances the value of surrounding real property; and

D.

Does not disturb residential neighborhoods or detract from the appearance of the Town and results in the maintenance of a balance and workable relationship between the existing area and use, the new utilization and adjacent residential neighborhoods.

The Requirements detailed in Article XXV – Continuing Care Community Overlay District are intended to modify the basic requirements of the district to which they are applied. Unless otherwise stated in this Article, exceptions and modifications provided by any other Overlay District are not intended to be combined with the application of the CCCOD.

§ 195-149 Establishment of overlay district

The location and boundaries of this overlay district are hereby established and made part of this bylaw as shown on the Continuing Care Community Overlay District Map, dated mm/dd/yyyy.^[1]

[1]

Editor's Note: Said map is on file in the Town offices.

§ 195-150 Use regulations.

A.

The existing use Regulation Schedule (Chapter 195, Attachment 1) shall be applicable within the underlying zoning districts.

B.

Within the overlay the following uses are permitted by right:

(1)

Attached and detached ~~Multi-family dwellings limited to Senior occupancy, Independent Senior Living Facilities~~ up to a density of 20 units per acre; Facilitated ~~and independent senior~~ living facilities (iaw Article XVII), and (~~exempt and~~ nonexempt) Adult Day Care facilities.

(2)

Nursing/convalescent or rehabilitation homes (excepting drug rehabilitation facilities).

(3)

~~Personal Care Services, such as but not restricted to barber, salon, laundry/dry cleaner financial services agency, and pharmaceutical supplies (single tenant free standing are not permitted).~~

(4)

Restaurants no larger than 3000 sq. ft. (~~single tenant free standing and~~ drive-throughs are not permitted)

(45)

~~Pharmacy and Banks; (drive-throughs are permitted, excluding single tenant freestanding).~~

(6) Medical Offices, Clinics and Centers

(57)

Parking garages / structures as an accessory use / structure only.

C.

The following are permitted by special permit:

(1)

Commercial Uses not exceeding 2000 square feet, including:

(a) Personal Care Services, such as but not restricted to barber, salon, laundry/dry cleaner, financial services agency, and pharmaceutical supplies

(b) Pharmacy and Banks; (drive-throughs are permitted).

(c) Retail stores and services not focused on sales to the Senior population, under 1500 sq. ft..

(2)

General Multifamily housing compliant with Article XII Multifamily Housing, sections 195-59, 195-61 through 195-63 and Article XXIII Inclusionary Housing Bylaw.

(3)

Retail stores and services not focused on support of the Senior population, under 1500 sq. ft., excepting free-standing units

(3)

Reduction of residential unit size in multifamily housing dwellings limited to Senior Citizen (over 55) occupancy, below the limits established in ss 195-113 Residential Uses.

(4)

Building that exceed the height of the underlying zoning district, as provided for in ss195-151

(54)

Multifamily housing-Independent Senior Living Facility density in excess of 20 units per acre, subject to ss 195-63 Density Bonus for affordable housing, excepting that in the CCCOD, one unit for each 5 units set aside for Affordable Housing may be permitted.

(5)

Buildings that exceed the height of the underlying zoning district, as provided for in ss195-151.

(66)

Maximum building coverage and floor area ratio may be increased by up to 50% above that required by the underlying Zoning District, ~~provided that a minimum of 20% of the area of the property is maintained as landscaped green area.~~

§ 195-151 Special provisions for all CCCOD.

A.

Building height. For lots in the Rt. 40 Industrial area, buildings that are set back from Rt. 40 by more than 600 feet may be up to 5 stories tall and 60 feet high.

B.-A.

Parking garages / structures shall not be counted towards the floor area ratio.

B.

New construction shall be a minimum of 2 actively used stories high, except as approved by special permit on the basis of outstanding contribution to the community.

C.

New construction of Restaurants, Banks, Pharmacies, Personal Care Services and other Retail and Services (iaw 195-150 B 3-5 and C2) shall not be single tenant free standing structures.

D.

All new construction shall maintain a minimum of 20% landscaped area on the lot.

E.

Except as specifically defined in Article ~~XXHXXV~~, the dimensional standards of the underlying zoning district shall apply.

§ 195-152 Special provisions for CCCOD implementation in specific areas.

A.

Building height. For lots in the IA District north of Rt. 40, buildings that are set back from Rt. 40 by more than 200 feet may be up to 5 stories tall and 60 feet high.

B.

For lots in the IA District north of Rt. 40, new construction in the 200 feet adjacent to Rt. 40 shall not exceed 3 stories and 35 feet in average height above ground level.

§ ~~195-152-153~~ Applicability of CCCOD to overlay district.

A.

All provisions in Article ~~XXII-XXV~~ shall have precedence over other sections of the Zoning Bylaw.

Town Meeting Article x3 – Modify the CEIOD overlay to permit multifamily residential use in IA Districts.

To revise the Zoning By-Laws to remove the phrase “except in the IA Zoning District” from clause 195-113 Residential Uses.