

**495/Parkwood Area Overlay District DRAFT Rev. 3 - 10/27/15**

To see if the Town will vote to amend the Zoning Bylaw as follows:

1. By adopting a new Article XXXII, 495/Parkwood Overlay District, as follows:

ARTICLE XXXII  
495/Parkwood Overlay District

§ 210-205. Purpose.

The purpose of the 495/Parkwood Overlay District is to promote planned development and appropriate use of land in this area in accordance with community goals and design guidelines. Toward that end, the intent and purpose of this Article is to implement the following policies, principles and objectives within the 495/Parkwood Overlay District:

- A. The land within the District will be redeveloped so that it contains a mix of uses;
- B. The land within the District will be organized in a pattern that encourages pedestrian and non-motorized access within the District and connects to adjacent open space, commercial, residential and recreational areas;
- C. Transportation access will be planned and designed to coordinate with and facilitate the redevelopment;
- D. Buildings and landscaping will contribute to the character of the Town and enhance the District;
- E. Located at Hopkinton's highly visible "front door" on I-495, exceptional form and design are critical components of the District;
- F. Building design and location will be respectful of existing neighborhood settings, will encourage entry of daylight into interior spaces and will minimize interference with distant views into and out of the District;
- G. Site design and building design will utilize energy efficient planning and execution and low impact development techniques and principles;
- H. The entire District will be planned, and will be developed in accordance with the design principles contained and expressed in this Article.

§ 210-206. Definitions

Except as otherwise provided in this section, the definitions set forth in § 210-4 shall be applicable to all terms used in this Article. In addition, the following terms, as used in this Article, shall have the meanings indicated:

COMMERCIAL USES – All uses other than Dwelling Uses.

CONSTRUCTION ACTIVITY – The construction of new structures or site work associated with the construction of new structures. The term does not include site work not associated with the construction of new structures, the construction of roadways, installation of utilities, additions and improvements to existing structures, or activities involving uses and structures referred to in M.G.L. c.40A §3, to the extent allowed under said section or the General Laws.

DESIGN GUIDELINES – The Design Guidelines for the 495/Parkwood Overlay District adopted by the Planning Board as part of the Master Plan Special Permit to govern Site Plan Review within the District.

DEVELOPMENT PROJECT – A development undertaken pursuant to this Article, as shown on a site plan submitted to the Planning Board for Site Plan Review.

FLOOR AREA RATIO (FAR) – The total gross floor area of all buildings and structures within the land area to which a Master Plan Special Permit is applicable divided by the total of such land area;

HEIGHT – The vertical distance from the mean finished grade of all sides of a building or structure to the highest point of the roof for flat roofs or to the roof deck line for mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs, excluding chimneys, spikes, towers, wireless communication facilities, screens, parapet walls, and other structures, equipment, or projections not used for human occupancy.

LANDOWNERS' ASSOCIATION – A corporation, trust or other legal entity owned or controlled by the owners of all lots within the 495/Parkwood Overlay District, or by owners of all lots within a specified area within the 495/Parkwood Overlay District, as the context permits or requires.

MASTER PLAN – The Master Plan for a land area within the 495/Parkwood Overlay District as submitted to the Planning Board for approval in a Master Plan Special Permit to be issued pursuant to §210-212.

MULTIFAMILY DWELLING – A building containing three or more dwelling units, including units that are located one over the other.

PERVIOUS SURFACE – Land area maintained in its natural condition, or covered by a material that permits infiltration or percolation of water into the ground.

PERVIOUS SURFACE AREA (PSA) – The total area of pervious surface within the land area to which a Master Plan Special Permit is applicable divided by the total of such land area.

§ 210-207. Permitted Uses

Within the 495/Parkwood Overlay District, no new building or structure shall be constructed or used, in whole or in part; and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used; and no land shall be used for any purpose except as set forth in this subsection;

A use that is permitted by right is denoted by the letter “Y.”  
 A use denoted by the letters “SPP” may be permitted by Special Permit from the Planning Board.  
 A use denoted by the letters “SPA” may be permitted by Special Permit from the Board of Appeals.

A. The following uses shall be permitted by right or allowed by Special Permit in the 495/Parkwood Overlay District without the issuance of a Master Plan Special Permit. Upon the issuance of a Master Plan Special Permit pursuant to § 210-210 the uses permitted in § 210-207(B) and not those specified in § 210-207(A) shall be permitted within the area subject to the Master Plan Special Permit.

**Table of Uses –Land not subject to a Master Plan Special Permit**

Research and development; Research centers and laboratories	Y
Professional and medical offices	Y
Manufacturing, assembly or processing plants for the following types of industries: (a) Food and kindred products. (b) Apparel and related products. (c) Electronic and electrical products. (d) Furniture and fixtures. (e) Printing and publishing. (f) Lumber and wood products. (g) Paper converting products. (h) Primary and fabricated metal industries. (i) Machinery. (j) Transportation equipment. (k) Instruments and related products, or any other light manufacturing enterprise.	Y
Warehousing	Y
Health club	Y
Landscaping business and storage/staging facility	Y
Preparation or packaging of medical supplies for home intravenous therapy with accessory retail use; provided, however, that the retail use shall occupy no more than 300 square feet of gross floor area in the aggregate on any one lot.	Y
Building trade shop	Y
Health services facility	Y
Restaurants, where all patrons are seated, that contain no more than 100 seats, and that are not open for business after 11:00 PM	Y
Retail stores not to exceed 5,000 square feet, located so as to provide for the convenience of the occupants of the immediate neighborhood, selling items such	Y

as groceries, prepared take-out food, toilet articles, cosmetics, candy, sundries, medications, newspapers, magazines and ice cream; provided, however, that any such retail store may operate only between the hours of 6:00 A.M. and 10:00 P.M	
Genetic, biological and chemical research centers, laboratories and manufacturing and processing plants with a Biosafety Level of Level 1 (involving specific combinations of work, practices, safety equipment and facilities appropriate for infectious agents that do not ordinarily cause human disease) or Level 2 (involving specific combinations of work practices, safety equipment and facilities appropriate for infectious agents that can cause human disease, but whose potential for transmission is limited), as determined in accordance with the Guidelines of the U.S. Centers for Disease Control.	Y
Genetic, biological and chemical research centers, laboratories and manufacturing and processing plants with a Biosafety Level of Level 3 (involving specific combinations of work practices, safety equipment and facilities appropriate for infectious agents that may be transmitted by the respiratory route which can cause serious infection), as determined in accordance with the Guidelines of the U.S. Centers for Disease Control.	SPA
Conference centers with or without a residential dormitory component.	SPA
Parking Facilities for Public School Buses Serving Hopkinton Residents	SPA
Restaurants where all patrons are seated, and (1) that contain more than 100 seats; or (2) that are open for business after 11:00 PM.	SPA
Veterinary clinics	SPA
Automobile and truck rental and repair, but not including automobile and truck sales	SPA
Facilities for storage as an accessory use of gasoline, kerosene, fuel oil, volatile gases and other such substances, unless prohibited elsewhere in this Chapter.	SPA
Recycling centers, provided that such activities on the lot are not located within 100 feet of a residential zoning district, and a buffer area containing natural material will form an effective year- round screen between the industrial uses and the residential zone.	SPA
Continuing care retirement community/assisted living facility/nursing home facility.	SPA
Registered Marijuana Dispensary (RMD)	SPP
Accessory uses including cafeterias and parking facilities.	Y
Municipal uses.	Y
Indoor recreation.	Y

B. Upon the grant of a Master Plan Special Permit pursuant to § 210-210, the following land uses and building uses shall be permitted within the land area subject to such Master Plan Special Permit.

**Table of Uses –Land subject to a Master Plan Special Permit**

Professional and medical offices; licensed medical care facility for inpatient and outpatient services; health services facility.	Y
Financial institutions and banks.	Y
Restaurants.	Y

Retail stores up to 15,000 square feet in area; provided, however, that food markets and grocery stores may not exceed 30,000 square feet in area.	Y
Multifamily dwellings up to 200 units	SPP
Research and development; research centers and laboratories; associated manufacturing processes and facilities.	SPP
Athletic club/health and fitness club; health club.	SPP
Health and wellness facilities; spas.	SPP
Retail stores that contain more than 15,000 square feet and food markets or grocery stores that contain more than 30,000 square feet but in no case exceed 40,000 SF	SPP
Registered Marijuana Dispensary.	SPP
Above or below ground parking structures that are accessory to a use permitted by right.	SPP
Hotels and inns, provided that such facilities include: 1) a minimum of 8,000 sq. ft. of function and/or meeting room space; 2) full service restaurant; and 3) health club facilities. Such facilities may be located either within the building or on the same lot.	SPP
Conference centers.	SPP
Genetic, biological and chemical research centers, laboratories and manufacturing and processing plants with a Biosafety Level of Level 1 (involving specific combinations of work, practices, safety equipment and facilities appropriate for infectious agents that do not ordinarily cause human disease) or Level 2 (involving specific combinations of work practices, safety equipment and facilities appropriate for infectious agents that can cause human disease, but whose potential for transmission is limited, as determined in accordance with the Guidelines of the U.S. Centers for Disease Control.	Y
Genetic, biological and chemical research centers, laboratories and manufacturing and processing plants with a Biosafety Level of Level 3 (involving specific combinations of work practices, safety equipment and facilities appropriate for infectious agents that may be transmitted by the respiratory route which can cause serious infection), as determined in accordance with the Guidelines of the U.S. Centers for Disease Control.	SPP
Municipal uses.	Y
Public and private educational uses.	Y
Child care facilities.	Y
Agriculture, horticulture and viticulture.	Y
Recreational facilities, indoor or outdoor.	Y
Museums, libraries and visual and performing arts galleries and facilities.	Y
Places of worship and other religious uses.	Y
Accessory uses including cafeterias and parking facilities.	Y

§ 210-208. Dimensional and Intensity of Use Requirements.

- A. Where a Master Plan Special Permit has not been issued, the dimensional requirements set forth in § 210-37.2 shall be applicable.
- B. The following dimensional and intensity of use requirements shall apply to any uses for which a Master Plan Special Permit has been issued:
  - (1) Minimum lot frontage on a street: 50 feet. Upon the grant of a special permit from the Planning Board, lot frontage may be less than 50 feet, provided that adequate access and egress to the lot is ensured.
  - (2) Minimum lot area: 45,000 square feet
  - (3) Minimum setback from street line: 40 feet. Upon the grant of a special permit from the Planning Board, the street line setback may be less than 40 feet in order to achieve the intent and purposes of this Article.
  - (4) Minimum side yard and rear yard width: 0 feet to property lines within the District. 50 feet to lot lines of property outside the District. Upon the grant of a special permit from the Planning Board, the side yard or rear yard setbacks may be less than 50 feet to lot lines of property outside the District in order to achieve the intent and purposes of this Article.
  - (5) Maximum FAR (Floor Area Ratio) per lot: 1.0. The Planning Board may, upon the grant of a special permit, allow FAR of up to 1.2.
  - (6) Minimum PSA (Pervious Surface Area) per lot: 0.4
  - (7) Maximum number of multifamily dwelling units within the total area subject to a Master Plan Special Permit: 200 units by right an. At least 10% of all units will be affordable units as per state and applicable definitions.
  - (8) Maximum building height:
    - (a) Height Zone A: <sup>70</sup>~~25~~ feet (*areas north of the end of Parkwood Dr.*)
    - (b) Height Zone B: 45 feet (*areas east of Parkwood Dr.*)
    - (c) Height Zone C: 70 feet (*areas west of Parkwood Dr.*)

10/27/15

§ 210-209. Administration

- A. The Planning Board shall be the Special Permit Granting Authority for any Special Permit authorized by this Article. The Planning Board may adopt and file with the Town Clerk Regulations governing Submission Requirements and Procedures for any such Special Permit.

- B. In all matters in which it has jurisdiction to issue a use Special Permit pursuant to § 210-207, the Planning Board may issue such Special Permits only upon a finding that the proposed use is in harmony with the general purpose and intent of this Chapter. Any such Special Permit shall be subject to such conditions and safeguards as the Planning Board may prescribe. In reviewing any application for such Special Permit, the Planning Board shall give due consideration to promoting the public health, safety, convenience and welfare; shall encourage the most appropriate use of land and shall permit no building or use that is injurious, noxious, offensive or detrimental to its neighborhood.
- C. After the initial issuance of a Master Plan Special Permit, uses that require a Special Permit pursuant to § 210-207 may be authorized either by an amendment of the Master Plan Special Permit pursuant to an application filed by or on behalf of the owners of all land covered by the Master Plan Special Permit or by a separate use Special Permit pursuant to an application filed by or on behalf of the owners of the land upon which such use is proposed to be located; provided, however, that all use Special Permits shall be consistent with and subject to all provisions of the Master Plan Special Permit applicable to the 495/Parkwood Overlay District as a whole.

§ 210-210. Master Plan Special Permit

- A. Except as otherwise provided in this Section or section 210-207, no Construction Activity for any Development Project to be located on land within the 495/Parkwood Overlay District may commence unless authorized by a Master Plan Special Permit, issued pursuant to the provisions of this Article and M.G.L. c.40A, §9.
- B. No person shall be eligible to apply for a Master Plan Special Permit under this section unless such person owns at least 5151% of the land area within the District and all owners sign the application and all land owners sign the application.
- C. Application for Master Plan Special Permit
  - 1. A record owner desiring a 495/Parkwood Overlay District Master Plan Special Permit shall file with the Planning Board an application therefor in accordance with any applicable regulations adopted pursuant to §210-209.
  - 2. At a minimum, the application for the Master Plan Special Permit shall contain the following information relating to development of the 495/Parkwood Overlay District:
    - (a) Identification of the entire area of land to be subject to the Master Plan Special Permit;
    - (b) The existing topography of the land, vegetative cover, soil types, wetlands and water bodies, roads and ways, the general location, size and shape of structures to be removed and the location, size and shape of structures to remain;

- (c) The general proposed location within which structures will be constructed, including a schedule of various land use types including Dwelling Uses, Commercial Uses and mixed-use buildings;
  - (d) The general proposed location of all existing and proposed roads, water supply systems, wastewater systems, storm water drainage, utilities, and connections to existing infrastructure, and the Landowners' Association or other entity intended to own, operate or maintain such facilities;
  - (e) An analysis of the impact of implementing the Master Plan on surface and ground water quality, groundwater recharge, wildlife habitat and corridors, wetlands and bodies of water, including streams and rivers, both localized and general, and an evaluation of pre-development conditions and post-development conditions;
  - (f) A traffic impact and access study on the impact of implementing the Master Plan on the operation, safety and overall convenience of the roadway system providing access to the 495/Parkwood Overlay District, including impacts on both vehicular and pedestrian travel, and proposed mitigation and trip reduction techniques, if applicable;
  - (g) An analysis of the projected economic impact of implementing the Master Plan on the Town, prepared by a qualified independent economic research consultant;
  - (h) A phasing projection indicating the general proposed times within which construction of improvements within the 495/Parkwood Overlay District in accordance with the Master Plan is anticipated, which schedule may be subject to variation depending on market forces; and
  - (i) Proposed Design Guidelines for the 495/Parkwood Overlay District.
3. Within seven (7) days of receipt of the application, the Planning Board shall transmit copies of the application material to the Board of Selectmen, Director of Public Works, Conservation Commission, Fire Department, Police Department, Board of Health, Design Review Board, and Director of Municipal Inspections for review and comment. The Planning Board shall not approve any such application until the final reports of such departments have been submitted to it or until 35 days have elapsed after the transmittal of the application without such report being submitted.
  4. The Planning Board shall hold a public hearing and file its decision with the Town Clerk in conformance with the requirements of M.G.L. c.40A §9.

D. Master Plan Special Permit Approval Criteria

No Master Plan Special Permit shall be granted unless the Planning Board finds that:

1. The Master Plan complies with the provisions of this Article and of the Design Guidelines.



2. The Master Plan serves the purposes of the 495/Parkwood Overlay District as described in § 210-205 and will be in harmony with the general purpose and intent of this Chapter.
3. The impact of the development activities shown on the Master Plan is anticipated to be of benefit to the Town.
4. The major intersections and roadways providing access to the 495/Parkwood Overlay District will continue to operate at an acceptable level of service (LOS) based on the anticipated impact of vehicular traffic from any previously approved uses within the 495/Parkwood Overlay District that will remain plus all new proposed development within the 495/Parkwood Overlay District.
5. The Master Plan provides adequately for the convenience and safety of vehicular and pedestrian movement within the 495/Parkwood Overlay District and in relation to streets, property or improvements outside of the 495/Parkwood Overlay District.
6. The Master Plan provides for the adequacy of the methods of disposal of sewage, refuse, and other wastes, provision of utilities, and the methods of drainage for surface water and seasonal flooding, if any, and protection of water sources for the Town.

E. Master Plan Special Permit Amendment

1. Amendment of the Master Plan Special Permit shall require approval of the Planning Board. An application to amend the Master Plan Special Permit may be submitted separately or together with an application to the Planning Board for Site Plan Review. If the Board determines that such amendment is significant, it shall hold a public hearing in conformance with M.G.L. c. 40A §9. If the Board determines, at a noticed public meeting of the Board but without a public hearing in conformance with MGL c. 40A §9, that such amendment is minor, it may amend the Master Plan Special Permit without a public hearing, and a copy of the amendment shall be filed with the Town Clerk.
2. Applications for amendment to the Master Plan Special Permit may be filed by the owners of the affected land, and shall not be required to be filed by the owners of all land within the 495/Parkwood Overlay District.

F. Duration of Approval

The issuance of a building permit within two (2) years of the date of the filing of the decision with the Town Clerk (or the date of the final resolution of any appeal of such decision) and the commencement of a Construction Activity within six (6) months of issuance of a building permit for such Construction Activity shall be deemed to constitute substantial use of rights under the 495/Parkwood Overlay District Master Plan Special Permit.

§ 210-211. Site Plan Review

- (1) After a Master Plan Special Permit is approved, an application for Site Plan Review shall be submitted to the Planning Board if a project comprises a Major Project or a Minor Project within the meaning of § 210-134.
- (2) All provisions of Article XX, Site Plan Review, shall apply. However, the Planning Board may determine that a Site Plan need not conform to a specific Site Plan Standard contained in § 210-136.1 if the Board determines that such Standard conflicts with the approved District Site Plan, the adopted Design Guidelines or the intent of this Article.

§ 210-212. Design Guidelines

- A. To ensure that Development Projects shall be of quality design, the Site Plans for Development Projects within the 495/Parkwood Overlay District shall be based on Design Guidelines adopted for the 495/Parkwood Overlay District under the Master Plan Special Permit, which shall supersede any inconsistent provisions of design guidelines adopted under Article XXI.
- B. The Design Guidelines shall implement the following principles:
  1. Site Design.
    - a. Site design and landscaping within the District shall complement the District's characteristics and enhance and/or screen the buildings, roadways and parking facilities. The design of the District shall utilize the site features, complement the terrain, fit the scale and architecture of proposed buildings within the District, and use natural and native drought tolerant plant materials with low water consumption and maintenance requirements whenever possible.
    - b. Landscape elements shall reinforce the character of the District through streetscape details, street furniture (such as lighting, signage and seating), grading, and the use of a variety of plant materials to separate uses, frame vistas and direct views. Strategic plantings shall shade buildings and paved areas to decrease building cooling loads and mitigate the heat island effect created by buildings and pavement.
    - c. Landscaping shall be used to strengthen or buffer the visual relationship with the surrounding area. Existing trees should be retained whenever possible, especially those which have the potential to be as tall as, or taller, than the tallest buildings in the District.
    - d. Naturalized plant groupings shall be included in landscape plans and designed to effectively break up paved areas and facades, strengthen vistas and provide shade.
    - e. Buildings and impervious surface areas shall be sited to minimize disruption to existing ecosystems and to preserve wooded areas and mature trees.

- f. Street furniture and sidewalk enhancements such as benches, trash receptacles, recycling bins, planters and bicycle racks shall be provided within the District. Distribution shall be appropriate to the function of the streets.
- g. Paved surfaces shall be designed to accommodate the everyday needs of the uses within the District, including use by pedestrians, bicyclists, automobiles and service and delivery vehicles. Paved surfaces should not be the dominant visual feature.
- h. Surface parking lots are accessory and not primary uses, and as such shall be located and designed so as not to be visually or physically prominent.

2. Building Design.

- a. Building facades facing the street should enhance the streetscape. Buildings facing more than one street should present high quality and architecturally related faces to all of the streets. Blank facades are not permitted.
- b. Parking garages and interior parking areas are accessory and not primary uses, and as such shall be located and designed so as not to be visually more prominent than buildings containing occupiable space or open and landscaped areas. Parking facilities shall be architecturally screened and/or sheltered by building or landscape elements so their visibility from roads or adjacent zoning districts is mitigated.
- c. Variety in building styles is critical, and variation of detail, form, siting and massing shall be used to provide visual interest. Variable siting and orientation of individual buildings is encouraged to respond to site-specific features.
- d. The scale of large buildings shall be broken up by providing roofline, height and bulk variations.

C. The Master Plan Special Permit may provide that the provisions of the Design Guidelines may be waived by the Planning Board as part of the Site Plan Review process based on a finding that such modifications are necessary or appropriate to meeting the development and design objectives of this Article.

2. Change the zoning district of the following parcels of land, totaling approximately 57 acres, from Industrial B to 495/Parkwood Overlay District:

86, 88 & 90 Elm St. (Assessors Map R23 Block 10 Lot 0), 87 Elm St. (Map R23 Block 39 Lot 0), 5 Parkwood Dr. (Map R23 Block 11 Lot 0), 68 Elm St. (Map R23 Block 12 Lot 0), 12 Parkwood Dr. (Map R17 Block 13 Lot 2), 35 Parkwood Dr. (Map R17 Block 13 Lot 4), Map R17 Block 13 Lot 3, Map R17 Block 1 Lot A, and Map R23 Block 9 Lot 0.

3. Include the following definition of Licensed Medical Care Facility for Inpatient and Outpatient Services in § 210-4, in alphabetical order:

**LICENSED MEDICAL CARE FACILITY FOR INPATIENT AND OUTPATIENT SERVICES**  
– A building that contains establishments dispensing health services for health maintenance and the diagnosis and treatment of medical, dental and physical conditions, including surgery. The term shall not include urgent medical care requiring emergency transportation, nursing homes or extended-care facilities.