§ 200-120.  **Conditions of use.**

A.  The applicant shall post an initial bond to cover construction costs and an annual maintenance bond to cover maintenance for the access road, site, and structure(s) and to cover the removal of facility in the event of non-operation in an amount approved by the SPGA. An access road may include existing town roads not designed for heavy traffic.

B.  **Regulatory Compliance**

   (1)  Annual certification demonstrating structural integrity and continuing compliance with current standards of the FCC, FAA and the American National Standards Institute shall be filed with the Building Inspector by the Special Permit Holder, and shall be reviewed by a licensed professional engineer hired by the town and paid for by the Special Permit Holder.

   (2)  If the FCC or the FAA regulations are changed, the owner or operator shall bring the facilities into compliance within six months or earlier if a more stringent compliance schedule is included in the regulation.

   (3)  Failure to comply with any regulations shall be grounds for removal of non-complying structures, buildings, devices at the owner’s expense.

   (4)  If the device is moved lower on the structure and the top of the structure is no longer needed, then the non-operational part of the structure shall be removed within 120 days.

C.  **Removal and repair.**

   (1)  An applicant must execute a covenant with the SPGA agreeing to remove, within 180 days of notice from the town, the Wireless Communication Facility not in operation for a period of twelve months, unless the reason for non-operation is the result of major damage.

   (2)  If the facility is not removed within 180 days, the Town will remove said facility at the owner’s expense.

   (3)  In the event of major damage, repair must begin within six months of damage. Major damage shall mean damage to the facility caused by no fault of the owner or operator.

or take any other action relative thereto.

**Petitioner:**  Board of Selectmen
Requested by Planning Board
January 29 2010

**ARTICLE 70 (ID 53)  Adoption of Highway Access Business District**
To see if the Town will vote to amend the zoning bylaw and the official map to add a "Highway Access Business District," by adopting the following in its entirety:

Article XVII
Highway Access Business District

§ 200-99. Purpose and Intent.

A. The Highway Access Business District ("HABD") is established to ensure the planned and orderly development of areas located at the northern and southern-most areas of the town close to major highway interchanges and in proximity to neighboring towns. The district is intended to support land uses and activities that will promote economic development based on the advantageous location of the district and access to major highways that will generate positive tax revenue while providing opportunity for new business growth and additional local jobs. The HABD will integrate land uses promoting economic growth with existing land uses and activities and provide appropriate standards for planned development that provide mitigation of traffic and environmental impacts. The HABD will permit uses by right that are consistent with the overall objective of promoting economic development in locations with access to major highways with appropriate and managed controls while allowing variations and intensifications of those uses through the special permit process. Landscape buffer requirements for the district are imposed where the district abuts residential properties.

B. Applicability. The HABD is intended to apply only to those properties as shown on a map on file with the Town Clerk entitled “Highway Access Business District”, Town of Stoughton Massachusetts, dated February 2, 2010.

§ 200-100. Definitions.

The following terms when capitalized herein shall have the following meaning unless the context otherwise requires.

A. MIXED-USE DEVELOPMENT. A combination of residential and non-residential uses within one lot.

B. HIGHWAY ACCESS SHOPPING CENTER. Shopping center incorporating multiple retail stores or commercial buildings with market draw and appeal extending beyond town borders, on a single parcel of land, or on single parcels continuously arranged and sharing one or more means of access and egress. Uses may include department stores, general merchandise stores, food markets and other uses permitted in the HABD.

§ 200-101. Special Permit Granting Authority.

For all purposes pursuant to the HABD, the Planning Board is designated as the Special Permit Granting Authority ("SPGA").

§ 200-102. Allowed development.

The following uses are allowed as of right in the HABD:
A. Retail establishments selling principally convenience goods including, but not limited to, food, drugs and proprietary goods.

B. Retail establishments selling general merchandise, including, but not limited to, dry goods, apparel and accessories, furniture and home furnishings, home equipment, small wares and hardware, including discount and limited price variety stores.

C. Restaurant and food service establishments including restaurants serving alcoholic beverages and including fast food restaurants but not including restaurants with drive through components.

D. Professional and business offices and services, including banks.

E. Consumer service establishments and business and repair services.

F. Personal service establishments such as hair salons and beauty service establishments offering a combination of services such as manicure and pedicure services, health clubs, and spas.

G. Trade, professional and other schools.

H. Licensed childcare and other early education facilities.

I. On parcels five (5) acres or more, Highway Access Shopping Center as defined in § 200-100 hereof.

§ 200-103. Special permit uses.

The following uses shall be permitted by special permit in the HABD:

A. Drive through fast food establishments upon the determination by the SPGA: (i) that such drive through fast food establishments shall be consistent and compatible with the overall development of the site; (ii) that such establishments will not contribute to traffic or pedestrian hazard; and (iii) for establishments proposed within a Mixed Use Development or regional shopping center that the drive through fast food establishment will provide a traffic circulation pattern that is consistent with and does not denigrate from the overall internal traffic circulation pattern of the site.

B. Highway Access Shopping Center on sites of less than five acres.

C. Mixed Use Developments

D. Conversion of professional and business office to residential.

E. Any use specified above as a permitted use with a density or intensity greater than permitted as of right, as set forth in §200-104 below.

F. Any uses similar or accessory to those authorized by § 200-102 not injurious to the neighborhood.
§ 200-104. Dimensional controls and site design.

A. Minimum lot area, minimum lot width, minimum lot frontage, minimum lot depth and minimum yards shall be consistent with those set forth in the Table of Dimensional and Density Regulations for the Neighborhood Business District.

B. Maximum building area shall be 50% by right and up to 70% by special permit; provided, however, that no lot on which development is proposed in excess of one acre shall be permitted to have a maximum building area greater than 60%.

C. Maximum stories shall be three by right and up to six by special permit.

D. Minimum open space shall be 20%.

E. In any HABD that abuts a residential zone or a residential use, a landscape buffer of 30 feet shall be provided between a residential zone and any single story building in a HABD. For each additional story, an additional ten feet of buffer shall be provided. For example, in the case of a three story building, a buffer of 50 feet shall be provided (30 feet plus 10 feet for each of two additional stories). Except in the cases where such buffers include bordering vegetated or other wetlands, which may be left in a natural and undisturbed state, all such buffers shall be densely vegetated and include a mixture of deciduous and evergreen trees. Through the issuance of a special permit, the Board may grant relief from this buffer requirement if it is demonstrated that the intent of this provision may be achieved by a lesser buffer, or mitigating factors such as agreements for offsite landscaping and screening have been made.

§ 200-105. Building design standards.

A. All primary entrances to commercial and residential buildings shall be visible from a street, roadway or public vantage point.

B. Where parking is located behind a building, entrances to the building are to be visible and accessible from the parking lot.

C. All building entrances shall have night time illumination. Such illumination shall be downward facing in design and dark sky compliant to the extent feasible. Illumination from lighting shall not be permitted to spill onto adjacent properties.

D. Exterior walls longer than 60 ft and visible from public vantage points shall incorporate glazed openings, variations in texture or materials, or other design elements of size and proportion adequate to the pedestrian scale.

E. Ground floor commercial building façades facing streets, roadways, squares or public space shall contain transparent windows encompassing a minimum of 30% of the façade length.

F. Flat roofs shall be concealed with parapets along street frontages and public vantage points, and shall not have scuppers or downspouts that outlet above ground level directly into pedestrian ways.
G. Garage buildings facing a street or public space shall incorporate commercial activities at the ground level and/or architectural design elements that relate to the pedestrian scale, such as façade openings and articulation, awnings, signs, banners, variations in color or material, etc.

H. Mechanical equipment on the tops of buildings shall be incorporated within a rooftop design element, such as a pitched roof or dormer, or properly screened from public view in ways compatible with the proposed architecture.

§ 200-106. Signage and lighting.

A. Signs shall identify businesses, addresses, owners or professionals on the premises, not products or brand names unless the brand name is inherent in the name of the business.

B. Signage shall conform to a set of consistent design principles created for the project and approved by the SPGA during site plan review.

C. Wall signs and projecting signs shall be allowed for retail establishments subject to the provisions of §200-33 of the Stoughton Zoning By-law.

D. In a multiple storefront building, signage should be of a consistent location, size and material, shall not be mounted on the rear of buildings and must be viewable from a public way.

E. For Mixed Use Developments and Highway Access Shopping Centers comprised of multiple buildings and uses, the SPGA shall approve such signage as is consistent with the overall size of the development, the number of tenants and the goal of identifying those tenants to members of the public driving on adjacent roadways.

F. Flashing signs, moving signs, signs with crawling or alternating text, signs utilizing LED technology to display text or images, neon signs, and rooftop signs shall not be allowed in the HABD.

G. Outdoor lighting fixtures shall be shielded and directed to prevent illumination from falling onto adjacent lots and streets.

§ 200-107. Affordable housing.

A. In all developments containing more than five dwelling units, no less than 20% of the total number shall be affordable to moderate-income households. The affordable units may be available for either rental or ownership. A moderate-income household is defined by the U.S. Department of Housing and Urban Development, or by a similar federal agency created to replace it, as adopted by the Commonwealth of Massachusetts Department of Housing and Community Development.

B. In computing the number of required affordable housing units, fractions shall be rounded up.

C. The affordable units shall be developed under the Local Initiative Program of the Massachusetts Department of Housing and Community Development or another subsidy program, that allows
housing to count towards the statutory affordable housing requirement of Chapter 40B of Massachusetts General Law.

D. The affordable units must be subject to use restrictions, deed restrictions, or other legally binding instruments to ensure that the units remain affordable and available in perpetuity exclusively to people with qualifying incomes. The units must be sold or rented on a fair and open basis, and the owners of the units must adopt an affirmative fair marketing plan.

E. Affordable residential units shall be subject to a monitoring agreement to ensure continued compliance with these provisions. The Town may require, for itself or its designee, an option to purchase or lease affordable units for rents, sale prices, or resale prices that are affordable to eligible households. The option shall apply to the initial and any subsequent sale for lease of affordable units.

§ 200-108. Review and decision process.

A. All proposed construction requiring a building permit in the HABD shall be subject to the provisions of Chapter 200 Article XIV entitled Site Plan Review. In cases where a special permit is required pursuant to § 200-103 or § 200-104(E) hereof, the required site plan review application shall be submitted simultaneously with the application for special permit and shall be considered at the same public hearing.

B. For the purpose of this HABD by-law, provisions of §200-64 of the Stoughton Zoning By-law shall apply, except that wherever §200-64 refers to the ‘Table of Use Regulations’, this shall mean Allowed Development under §200-102 of this HABD by-law.

C. The SPGA may at its discretion approve, approve with conditions, approve with an associated development agreement, or deny for reasons of incompatibility with the applicable regulations and standards.

D. Proponents must show conformance to the standards for the HABD, and any other applicable standards and requirements of the Stoughton by-laws, or reasons why any of the standards cannot be met. When the standards cannot be met, the SPGA may apply reasonable conditions or enter into a development agreement with the proponent that will provide mitigation or other improvements that meet the purpose and intent of each standard, or show reasons why the standard is not applicable to the project.

E. Impacts requiring mitigation may include, but not be limited to the following:

(1) Traffic impacts to the existing roadway infrastructure that may require the widening of roads and intersections to accommodate new traffic generated by the proposed development.

(2) Traffic impacts that may require the provision of additional turning lanes, updating or provision of new traffic signals, and pedestrian safety improvements such as sidewalks and crosswalks.
(3) Traffic impacts that may require construction of new service roads, local arterials or new highway access ramps, subject to permitting and approval by the corresponding local and state authorities.

(4) Environmental impacts to the existing wetlands, flood hazard areas and watershed areas.

(5) Impacts to water supply and sanitary infrastructure, such as impacts that may require the expansion of the existing water and wastewater treatment systems, the provision or construction of new water mains and distributing pipes, sewer and stormwater collectors, pump stations, etc.

(6) Any other impact that may result in a measurable economic or legal burden to the Town.

F. All approvals with conditions, which may or may not include a development agreement, may require resubmission of revised plans and approval of the same by the SPGA prior to issuance of a building permit.

G. The SPGA may require a surety, of a type approved by the SPGA and according to the Site Plan Review By-law, for completion of any or all improvements shown within the permitted project.

H. Action on a site plan application for any proposed project in an HABD zoning district shall occur only after a public hearing noticed in accordance with G.L. c. 40A, §11. Decisions on an SPGA application shall be filed in the office of the Town Clerk and are appealable pursuant to G.L. c. 40A, §17.


If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of these provisions shall not be affected.

or take any other action relative thereto.

Petitioner: Board of Selectmen
Requested by Planning Board
January 29 2010

ARTICLE 71 (ID 54) Amend Zoning Article III – Establishment of Zoning Districts

To see if the Town will vote to amend the Stoughton Zoning Bylaw of the Town of Stoughton by making the following deletions (indicated in strikethrough lettering) and insertions (indicated in underlined lettering) indicted in the following.

/  

ARTICLE III
Establishment of Zoning Districts
The Town of Stoughton, Massachusetts is hereby divided into 1140 zoning districts to be designated as follows:

<table>
<thead>
<tr>
<th>Full Name</th>
<th>Short Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential-Suburban A</td>
<td>RA</td>
</tr>
<tr>
<td>Residential-Suburban B</td>
<td>RB</td>
</tr>
<tr>
<td>Residential-Suburban C</td>
<td>RC</td>
</tr>
<tr>
<td>Residential-Urban</td>
<td>RU</td>
</tr>
<tr>
<td>Residential-Multifamily</td>
<td>R-M</td>
</tr>
<tr>
<td>Central Business District</td>
<td>CBD</td>
</tr>
<tr>
<td>General Business</td>
<td>GB</td>
</tr>
<tr>
<td>Neighborhood Business</td>
<td>NB</td>
</tr>
<tr>
<td>Highway Business</td>
<td>HB</td>
</tr>
<tr>
<td>Industrial</td>
<td>I</td>
</tr>
<tr>
<td>Highway Access Business District</td>
<td>HABD</td>
</tr>
</tbody>
</table>

or take any other action relative thereto.

Petitioner: Board of Selectmen
Requested by Planning Board
January 29 2010

**ARTICLE 72 (ID 69) Amend Zoning from RC to HABD**

To see if the Town will vote to amend the Town of Stoughton Zoning By-Law and Map by changing from R-C (Residential) to HABD (Highway Access Business District) the area as follows:

In “North Stoughton” beginning at the centerline intersection of Page Street and Turnpike Street (Rt. 139):

thence running southerly by the centerline of Turnpike street being the existing Neighborhood Business District Boundary line 900 feet, more or less:

thence continuing southerly by the centerline of Turnpike street (Rt. 139) 960 feet, more or less, to the existing Industrial District:

thence running at right angles easterly 250 feet, more or less, being the existing Industrial Business District boundary line:

thence running at right angles northerly 960 feet, more or less, at the existing Industrial District boundary line:

thence continuing northerly at a 135 degree angle being the exiting Industrial District Boundary line to the centerline of Page Street:

thence running northwesterly by the centerline of Page Street being the existing Industrial District boundary line 980 feet, more or less, to the Neighborhood Business District at the centerline intersection of Page Street and Turnpike Street (Rt. 139) being the point of beginning; or take any action relative thereto.
or take any other action relative thereto.

Petitioner: Board of Selectmen
Requested by Planning Board
January 29, 2010

ARTICLE 73 (ID 39) Amend Zoning By-Law and Map, Page and Turnpike St.

To see if the Town will vote to amend the Town of Stoughton Zoning By-Law and Map by changing from R-C [Residential] to I (Industrial) the area as follows:

In “North Stoughton” beginning at the centerline intersection of Page Street and Turnpike Street (Rt. 139);

thence running southerly by the centerline of Turnpike Street being the existing Neighborhood Business District boundary line 900' more or less;

thence continuing southerly by the centerline of Turnpike Street (Rt. 139) 960' more or less to the existing Industrial Business District boundary line;

thence running at right angles northerly 960' more or less at the existing Industrial District boundary line;

thence continuing northerly at a 135 degree angle being the existing Industrial District boundary line to the centerline of Page Street;

thence running northwesterly by the centerline of Page Street being the existing Industrial District boundary line 980' more or less to the Neighborhood Business District at the centerline intersection of Page Street and Turnpike Street (Rt. 139) being the point of beginning; or take any other action relative thereto.

Petitioner: Jacqueline Weeks, 1517 Turnpike Street, Stoughton, et. al.
December 31, 2009

ARTICLE 74 (ID 65) Rezoning of Parcels from Neighborhood Business to General Business and Amend Stoughton Zoning Map

To see if the Town will vote to amend the Town of Stoughton Zoning Map by rezoning the current Neighborhood Business District, which is bound by the Brockton Town Line to the south and Park Street on the west to General Business.

or take any other action relative thereto.

Petitioner: Board of Selectmen
Requested by Planning Board
January 28, 2010

You are hereby directed to serve this warrant by posting attested copies hereof at not less than nine public places in the Town, seven, days, at least, before the time of holding said meeting and you are hereby directed to have three hundred copies brought to the meeting for distribution.
Rezone from RC (Residential Commercial) to HABD (Highway Access Business District)
Rezone from NB (Neighborhood Business) to HABD (Highway Access Business District)