

To see if the Town will vote to amend the Zoning Bylaw by adding the following new Section 570, Humarock Village Residential Overlay District:

## SECTION 570 HUMAROCK VILLAGE RESIDENTIAL OVERLAY DISTRICT

570.1 Purpose. This zoning overlay district is hereby adopted to regulate, condition and protect the village center of the small ocean-front community of Humarock, which lies on an environmentally sensitive barrier beach; to encourage redevelopment of parcels containing outdated uses; and to allow alternative forms of residential development at an appropriate scale for the land. Paramount goals are to promote development which is harmonious with the natural features of the peninsula which constitutes the Humarock area; to beautify and protect the adjacent resource areas; and to enhance the entrance to the Humarock Public Beach. The provisions of the underlying zoning shall remain in full force and effect, applicable to the land, except and to the extent an applicant elects to utilize the provisions of this Section 570 and obtain all required relief pursuant to this Section 570.

### 570.2 Permitted Uses.

In the Humarock Village Residential Overlay District, all of the uses permitted in the underlying Zoning District(s) as of right shall be permitted as of right.

### 570.3 Uses Permissible by Special Permit.

The following uses may be permitted by Special Permit in the Humarock Village Residential Overlay District:

- A. Any use permitted by Special Permit in the underlying Zoning District in accordance with the provisions of that district.
- B. A multi-family development on a parcel containing a minimum of 30,000 sq. ft. of lot area as defined by Section 610.1 of this bylaw in single ownership provided that a Special Permit is obtained from the Planning Board in accordance with the provisions of Section 570 of this bylaw. A multi-family development shall consist of residential dwelling units, except that on Marshfield Ave. and Central Ave., which have a central location in the Humarock Business District, a business use may be permitted on the first floor with the approval of the Planning Board.

### 570.4 Dimensional Requirements for Multi-family Developments.

The Planning Board may issue a Special Permit for multi-family developments in the Humarock Village Residential Overlay District, subject to the following dimensional requirements:

- A. Density. All new residential multifamily developments shall conform to the following density limitations:
  - 1. The maximum number of dwelling units permitted shall be the equivalent of up to seven (7) units per 40,000 sq. ft. of lot area or

2. A maximum number of units equivalent to eight (8) units per 40,000 sq. ft. may be authorized under Section 570.5 if the permit granting authority finds that significant public benefits are provided, which benefits are not otherwise achievable under the existing special permit requirements or not otherwise required to construct an applicant's project.

B. **Setbacks.** No building containing residential townhouses shall be erected within twenty-five (25) feet of the exterior line of any street or way, except that a setback of eight (8) feet is permitted from any private way bordering the General Business District on both sides because of the very limited amount of residential traffic on these streets. In order to provide an adequate visual buffer to multi-family uses in an area that is generally more densely developed, and more environmentally sensitive, than other areas, this requirement shall be exempt from Section 620.4, Paragraph A of this bylaw which allows a setback equal to or greater than the average of buildings on the same side of the street between two intersecting ways and within two hundred feet of the lot in question.

A building containing a business use on the first floor shall have a minimum front yard setback of 5' and a maximum front yard setback of 15'.

The required side yard distance and rear yard depth for all buildings shall be a minimum of fifteen (15) feet.

No structure may be erected within twenty-five (25) feet of the South River.

C. **Height.** No building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height measured to the ridge, whichever is lower. For the purpose of this Section, a habitable attic shall not be considered a story, and a half story shall be defined as a story directly under a sloping roof where the area with a ceiling height of 7'3" or greater is less than 2/3 of the floor area of the story next below.

In order to provide a transition from the scale of existing buildings in the surrounding area, no building within thirty-five (35) feet of the property line shall exceed thirty (30) feet measured to the ridge.

D. **Floor Area Ratio.** No building or buildings shall have Floor Area Ratios greater than 0.425 for the area of the lot or parcel. Floor Area Ratio is defined as follows:

1. Floor – The gross floor area in square feet of all of the buildings on a parcel, including enclosed porches, sheds, shower houses, and other structures, but not including overhanging 2<sup>nd</sup> or 3<sup>rd</sup> floor balconies or ground level parking beneath a building.
2. Area – The area in square feet for the same parcel.
3. Floor Area Ratio – The gross floor area of all buildings on a parcel divided by the total area of the parcel.

The applicant shall provide the calculation of Floor Area Ratio with the total gross floor area and total area of the parcel in sq. ft.

- E. Compliance with Required Setbacks, Height and Other Dimensional and Use Restrictions. Prior to an applicant filing for a Special Permit under this Section 570, said applicant must have obtained, to the extent required, required federal (including, without limitation, Army Corps of Engineers) or State (including, without limitation, Chapter 91) permits, approvals or licenses (“Approvals”), which Approvals shall be consistent with the requirements and limitations of this Section 570.
- F. Access to Water. All multi-family projects adjacent to the South River or Atlantic Ocean shall provide public access to waterways, which shall be maintained to promote public access, with appropriate signage. An easement or other deeded rights shall be provided to insure this access can be maintained.

#### 570.5 Bonus Density Requirements.

The Planning Board may, at its discretion, permit an increase in density up to the equivalent of one (1) additional unit per 40,000 sq. ft. of lot area in the Humarock Village Residential Overlay District, provided the Board makes a written finding that the applicant will provide significant improvements offering a public benefit to Humarock, in addition to improvements necessary to meet the requirements of this bylaw, and which improvements are not otherwise achievable under the existing special permit requirements or not otherwise required to construct an applicant’s project.

These improvements shall include on-site or off-site infrastructure, improvements or amenities not otherwise required by any town board or agency, serving a public purpose, to be constructed in an attractive, ecologically sensitive manner. Some examples are:

- Preservation of an existing but threatened water-dependent use that is valued by the community;
- Land acquisition or donation of open space to the Town or a qualified Conservation organization to create or acquire open space in desirable locations in Humarock, especially the Residential Overlay or Business Districts, including public “pocket parks” and other appropriate properties;
- Streetscape improvements including lighting, underground utilities on Marshfield Ave., benches, signage, plantings and sidewalks;

- Parking, walkways or landscaping providing or enhancing public access to the beach, the ocean or the South River;
- Improvements to the public beach entrance; public rest rooms; boat ramps; or pumpout services;
- Upgrades to drainage or water distribution systems where these are desired by the Town;
- Off-site drainage improvements to mitigate impacts of stormwater or sewage on the South River;
- Land or infrastructure for neighborhood wastewater treatment or other community infrastructure;
- Additional affordable units above the number required;
- or other improvements deemed of significant value by the Planning Board.

In order to make this determination, the following are required:

- A. The applicant shall provide the Planning Board with a written description of the intended neighborhood improvements, the public benefit provided, significance to the Town, provision for maintenance if required, applicant's cost estimates, and a sketch plan showing the location and type, size and extent of improvements.
- B. The Planning Board may require a bond to cover the cost of any improvements that will be constructed, or a binding agreement approved by Town Counsel, to remain in place until the improvements are completed to the satisfaction of the Town.
- C. The applicant shall provide a list of all permits and approvals required in connection with any proposed public benefit(s) with the application. These approvals shall be obtained prior to approval of the development, unless an exception for good cause is explicitly authorized by the Planning Board.
- D. A specific time frame for the completion of all required off-site infrastructure improvements shall be incorporated as a condition of approval of the Planning Board.

The Board shall be under no obligation to grant such density bonus and may determine, in its sole discretion, whether the offered improvements are sufficient in nature, scope, cost or otherwise, to justify such bonus. The offer and commitment by an applicant to provide all or any number of the above enumerated examples does not, in and of itself, justify or require the Board to grant such density bonus.

#### 570.6 Parking and Landscaping.

- A. **Parking.** Regardless of any provisions of other sections of this bylaw, no uses shall be intensified without providing adequate numbers and size of

parking spaces as required by the Table of Minimum Parking Requirements in Section 760.6 for all proposed uses, except that the Planning Board may reduce the parking requirement for a slip or mooring to one (1) space where access is through a property containing a residential multi-family development and the applicant demonstrates that parking will be sufficient for the use. Each parking space shall contain no less than one hundred sixty-two (162) square feet of area [typically nine feet by eighteen feet] and shall have adequate back-up room and aisle width, as well as maneuvering area.

No parking areas shall be paved except those limited areas servicing handicapped parking and access paths to those spaces. All other parking areas shall be constructed of a dust free permeable surface. Curbing or wheel stops shall be provided to designate the location of spaces within parking areas. Curbing shall be cut where necessary to allow proper drainage into rain gardens or adjacent vegetated areas.

- B. Driveways. Driveways shall be eighteen (18) feet in width, but may be reduced to 16' with the approval of the Planning Board. All multi-family Residential Developments shall provide access from Public Ways. Maneuvering spaces shall be provided so that vehicles are not required to back onto a public or private way. Shared access may be required by Planning Board where feasible.
- C. Lighting. All lighting shall consist of full cut-off or shielded fixtures at appropriate height to lessen impacts on adjacent properties, and shall not cause glare for motorists, pedestrians or neighboring properties.
- D. Plantings – general. The following design standards shall apply to all planted areas.
  - 1. Native landscaping appropriate to a beach and dune environment shall be used, with plants tolerant of low watering and low maintenance.
  - 2. To the greatest extent possible, existing native trees and shrubs shall be maintained.
  - 3. No tree, shrub or plant shall be used that has been identified as an Invasive Species by the Massachusetts Plant Advisory Group in the most recent version of *The Evaluation of Non-Native Plant Species for Invasiveness in Massachusetts* (with annotated list,) or has been identified as invasive or banned on the *Massachusetts Prohibited Plant List* as periodically updated by the Massachusetts Department of Agriculture.
  - 4. Existing invasive plants shall be removed.
- E. Outdoor Parking Area Plantings. Each outdoor parking area shall contain a planted buffer area at least fifteen feet deep from any public or private

ways. Any parking area of more than 10 (ten) spaces shall be required to have at least 10 (ten) % of the interior area of the lot landscaped and vegetated.

- F. Screening. All outdoor parking areas within seventy-five (75) feet of a parcel in residential use or in the Residential A-3 Zoning District shall be screened on each side adjoining the residential use or district by a buffer of dense vegetation of a minimum of six (6) feet in height at the time of planting, except where screening is already provided by an existing fence, wall, hedge or natural terrain feature. This screening shall be maintained in good condition and shall be designed so as not to obstruct vehicle sight distances at entrances, exits or street intersections.

When parking will be located under a building, the parking area shall be screened except for the location of necessary entrances and exits. Lattice or similar open screening shall be used to at least the height of the base flood elevation or highest overwash level, in order to allow the free movement of coastal storm flood water.

#### 570.7 Design Standards for Multi-family Developments.

- A. General. All residential units shall consist of townhouses accessed from the ground, except that apartments with access from a higher floor shall be permitted where the first floor contains a retail or business use. In all construction, materials and styles shall be used that are similar to those used in residential building in Humarock and reflect the traditional seaside character of the area.
- B. Façade treatment. No exterior face of any building shall exceed thirty-five (35) feet in any plane (measured horizontally) without an offset of at least 24 (twenty-four) inches. The use of balconies, awnings or canopies shall be encouraged. No building shall have an overall length of more than 135 (one hundred and thirty-five) feet.
- C. Roofs. Roofs shall be pitched to center ridge in keeping with the distinguishing architectural characteristics of typical ocean-side villages located in New England. Dormers within pitched roofs shall be encouraged, but shall not occupy more than fifty (50) % of the total roof area and shall be no more than twenty (20) feet in width. Dormers shall be exempt from roof pitch requirements but shall have pitched roofs. Sloped or pitched roofs with a minimum of 8:12 slope shall be required, except that to allow design variation, up to twenty (20) percent of the roof area may be flat or of other design than a sloped or pitched roof.
- D. Utilities and Drainage.

1. All utility service lines shall be underground.
2. Drainage.
  - a. Recharge. In order to protect the water quality of the South River and preserve environmentally sensitive dune and barrier beach areas, to the greatest extent possible, all stormwater shall be recharged on site and design techniques shall be used to reduce the generation of stormwater and non-point source pollution by limiting impervious surfaces, treating stormwater, maximizing open space and minimizing disturbance of natural areas.
  - b. Use of Best Management Practices. All runoff and drainage shall be managed using “Best Management Practices”, as described in the current version of the Massachusetts Department of Environmental Protection Stormwater Management, Vol. II: Stormwater Technical Handbook, including use of rain gardens and other techniques. Wherever possible, bioretention stormwater systems shall be used for removal of contaminants and sediment. Where drainage systems contain visible infrastructure it shall be landscaped or camouflaged.
  - c. Minimization of Impervious Surface. Impervious surface shall be minimized by providing only as much parking as required by the Zoning Bylaw; using short driveways, permeable paving, green rooftop systems, and low impact development techniques as described in references such as the Massachusetts Executive Office of Environmental Affairs LID homepage (<http://www.mass.gov/envir/lid/default.htm>) in current versions, wherever possible. The total area of impervious surface shall not exceed the area of impervious surface that existed on the lot at the time the application is submitted.
- E. Trash storage and mechanical equipment. All dumpsters, trash storage areas and mechanical equipment such as air conditioning units shall be completely screened from view of adjacent properties and public rights of way with fencing, walls or vegetation. All mechanical equipment, including that attached to the side or roof of a building, shall be designed to be an integral part of the building. The location of all mechanical equipment shall be shown on plans submitted with the Special Permit.
- F. Septic systems. In order to provide the maximum protection for the South River, all septic systems shall incorporate nitrogen removal.
- G. Open space area. In order to preserve open space, conserve natural resources, maintain unobstructed overwash areas, enhance the general appearance of the area, avoid adverse impact of overcrowding and provide

visual access to open space, thirty (30) % of the total area of any project site shall be dedicated to landscaped open space. This open space area shall be free of buildings except 2<sup>nd</sup> or 3<sup>rd</sup> floor balcony overhangs, structures, driveways or parking. The open space shall be subject to a deed restriction prohibiting construction on this area and providing for maintenance to ensure its attractive appearance and cleanliness.

570.8 Housing Affordability Standards.

All requirements of Section 560.7 for affordable dwelling units in the Village Business Overlay District shall apply to multi-family developments of ten or more units in the Humarock Village Residential Overlay District, except that the minimum number of affordable units shall be ten percent of the total dwelling units, rounded to the nearest whole number.

570.9 Special Permit Review Procedure.

- A. Pre-Application Meeting. A pre-application meeting with the Town Planner and an informal discussion with the Planning Board prior to the submittal of a Special Permit application are strongly encouraged. A preliminary concept plan should be provided at this meeting. The preliminary concept plans shall be at a scale of 1" = 40', unless the applicant and Town Planner agree on a more appropriate scale.
- B. Review Process. The application requirements, standard of review, project completion requirements and applicability of approval requirements described in Section 770 shall also apply to this Section. A Landscape Plan stamped and signed by a Registered Landscape Architect will be required as part of all applications for a Special Permit. All applications shall be subject to the Design Review process described in Section 950 of this Bylaw.

And also vote to amend Section 310, Types of Districts, by adding "HVROD" Humarock Village Residential Overlay District in alphabetical order among the other types of districts,

and also to amend Section 320, Location of Districts to include the following paragraph at the end of this section:

The Humarock Village Residential Overlay District shall be located and bounded as shown on the map titled "Humarock Village Residential Overlay District: 1/10/08 Boundary" by Larry Koff & Associates dated January 15, 2008.

and also to amend Section 340, Definition of Zoning Districts, by adding the following paragraph at the end of this section:

Humarock Village Residential Overlay District

This district is an overlay of other zoning districts. Its applicability and definition are outlined in Section 570.