

PROPOSED MAJOR DEVELOPMENT OVERLAY DISTRICT

To see if the Town will vote to amend the Zoning By-Law by adding a new Section 14, Major Development Overlay District, and by amending Section 4.3 to be consistent with the new Section 14, as set forth below, or take any action relative thereto:

Section 14 Major Development

14.1 Purpose

The purpose of this Major Development Overlay District (MDOD) is to foster sustainable economic growth, provide employment opportunities for residents, increase the local tax base, preserve the natural environment and working landscapes that are part of the Town's heritage, and provide for mitigation of any negative impacts caused by new development. A Major Development offers design and dimensional flexibility and may have a mix of uses that are developed as a single entity in a planned and integrated fashion consistent with Warren's small town character.

14.2 Establishment of Overlay District

The MDOD is established as an overlay district. The boundaries of the MDOD are shown on the Major Development Overlay District Map on file with the Town Clerk. Within the MDOD, all regulations of the underlying district(s) remain in effect, except where these regulations provide an alternative to such requirements. Land within the MDOD may be used either for (1) a Major Development, in which case the regulations set forth in this section shall apply; or (2) a use allowed in the underlying district, in which case the requirements of the underlying district shall apply. If the provisions of the MDOD are silent on a zoning regulation, the requirements of the underlying district shall apply.

14.3 Special Permit Uses

A Major Development requires the grant of a Special Permit and Site Plan Approval from the Planning Board. The Board shall determine that the Major Development provides benefits that outweigh any adverse effects upon the Town or neighborhood, after consideration of the criteria specified in Section 14.7. A Major Development may include the following uses:

1. Business or professional offices
2. Basic and applied research and development in the information technology, pharmaceutical, biological, biotechnology, biomedical, and engineering fields, with incidental production and product assembly, laboratory testing, and related uses
3. Light manufacturing, processing and assembling, warehouses
4. Retail stores and commercial services, including shopping centers, malls, warehouse-type outlets, banks, restaurants and fast food restaurants
5. Hotels, inns, conference centers and function facilities
6. Commercial indoor and outdoor recreation facilities
7. Automotive service stations
8. Renewable/Alternative Energy Research and Development Facilities

9. Heliports or helipads as an accessory use to a permitted use
10. For-profit educational institutions
11. Museums and Non-Profit Institutions, subject to a Payment In Lieu of Taxes (PILOT) Agreement
12. Nursing homes, rehabilitation facilities, assisted living facilities, and hospitals
13. Rail freight terminals

14.4 Dimensional Standards

A Major Development consisting of a single use, or a mix of uses developed as a single entity, shall conform to the following dimensional standards:

1. Minimum Tract Size: 25 acres
2. Minimum Tract Frontage: 200' on a public way
3. Setbacks: No building, parking lots, or storage areas shall lie within fifty feet (50') of any public street or within one hundred feet (100') of any other property line.
4. Maximum Building Height: four stories, but not to exceed fifty feet. This limit shall not apply to smoke stacks, spires, water tanks, and similar structures not devoted to human occupancy.

14.5 Procedures

Applicants shall comply with the procedures for issuance of special permits specified in section 5.1 and with the Planning Board's Regulations for Site Plan Approval.

14.6 Design Standards

- 14.6.1 Outdoor Storage: The Planning Board shall require exposed storage areas, dumpsters, machinery, service areas, utility buildings and/or other unsightly uses to be screened from view from neighboring properties and streets.
- 14.6.2 Utility Services: All on-site utilities shall be underground, unless the Planning Board grants permission for aboveground services.
- 14.6.3 Lighting: Applicants shall submit a lighting plan from a qualified engineer that meets the functional security needs of the proposed development and does not adversely affect adjacent properties. Security cameras shall be positioned to prevent viewing of adjacent properties. All lighting shall be arranged and shielded to prevent glare from falling onto any public or private way. Each outdoor luminaire shall have a cutoff to prevent light trespass into the night sky. The Planning Board may allow outdoor recreational uses that require nighttime visibility provided the lighting does not constitute a hazard to motorists or a nuisance to adjacent properties.
- 14.6.4 Landscaping
 1. A landscape plan drawn to scale, including dimensions and distances, shall be prepared by a registered landscape architect. The plan shall delineate all existing and proposed parking spaces or other vehicle areas, access aisles, driveways, and the location, size and description of all landscaping materials and tree cover.
 2. A minimum of five (5) per cent of the interior area of parking lots having twenty-five (25) or more spaces shall contain landscaping to provide visual breaks of large extents of pavement.

Landscaping shall also be provided around the perimeter of such lots for a width of ten feet (10') and planted with trees and shrubs, the size and type of which shall be subject to Planning Board approval.

3. The property owner shall continually maintain all landscaped areas and replace dead or diseased trees and shrubs within one growing season.

14.6.5 Stormwater Management: Stormwater management systems shall incorporate “Best Management Practices” (BMP) as prescribed by the Massachusetts Department of Environmental Protection and employ Low Impact Development (LID) strategies. The BMP/LID design should decentralize stormwater management measures in order to mitigate post-development downstream impacts and achieve the highest level of water quality for all stormwater runoff. The stormwater design should include elements such as landscaped swales, vegetated rain-gardens, infiltration trenches, dry wells, permeable pavements and other runoff control features that serve to achieve BMP/LID goals.

14.6.6 Noise: No development, or commercial or industrial establishment, shall result in noise that causes a nuisance or could injure public health or unreasonably interfere with the comfortable enjoyment of life, property, or the conduct of business. A noise source will violate this standard if the source:

1. Increases the broadband sound level by more than 10 dB(A) above ambient, or
2. Produces a “pure tone” condition – when any octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by 3 decibels or more.

These criteria shall be measured at the property line. “Ambient” means the background A-weighted sound level that is exceeded 90% of the time, measured during equipment operating hours.

14.6.7 Hazardous Materials: If a Major Development includes the storage or use of Toxic or Hazardous Materials, as defined in Section 9.3, the applicant shall comply with the provisions of Section 9.7 E. The owner or operator of the Major Development shall arrange for an annual inspection by the Fire Chief and shall promptly comply with the Chief’s requirements.

14.6.8 Signs: Signs advertising uses or activities taking place within a Major Development that exceed fifty (50) square feet require a special permit from the Planning Board. Billboards (signs that advertise uses or activities that take place off the property) are prohibited in the MDOD.

14.6.9 Wildlife Plan: The application shall include a wildlife habitat plan and map prepared by a wildlife specialist that serves as a guide to protect wildlife and significant habitat on the parcel. The wildlife map shall display land included in the most recent Biomap, vernal pool, and Natural Heritage and Endangered Species Program (NHESP) datalayers, significant habitats, and corridors used by wildlife to move within or through the parcel. The plan shall address protection and management of important wildlife habitat and depict the location of areas to remain undisturbed. The Planning Board may require the applicant to reserve important nesting areas, or designate a wildlife corridor, to limit critical habitat disturbance and allow movement to adjacent properties.

14.7 Decision Criteria

In addition to the special permit criteria in Section 5.1, the Planning Board may grant a Special Permit for a Major Development if it finds that the Development will:

1. Include mitigation measures to minimize impacts to abutting land and natural resources from air or water pollution, noise, dust, vibration, lighting, or stormwater runoff.
2. Provide safe and convenient access to the site from existing or proposed roads, and to proposed structures thereon, with particular reference to pedestrian and vehicular safety, traffic flow and control, and access in case of fire or emergency. The applicant shall submit a transportation study from a qualified traffic engineer that documents existing conditions and projects the change in Level of Service (LOS) caused by the development. The Board may require off-site traffic mitigation measures to assure safety and adequate capacity at points of ingress and egress and at nearby intersections.
3. Provide for adequate capacity for public services, facilities, and utilities to service the proposed development such as water supply and pressure for fire protection, ambulance, septic/sewer capacity, and storm water runoff. The applicant shall demonstrate adequate fire protection for structures that exceed the height of Warren Fire Department capabilities.
4. Provide for visual and noise buffering of the development to minimize impacts to abutting properties.
5. Have a mass, scale, and design that is consistent with Warren's small-town character.
6. Protect the public health, safety, welfare, comfort, and convenience of the Town.
7. Preserve natural and cultural features on the site and minimize alteration of the natural environment. These include wetlands, vernal pools, streams, ground water, water bodies, wildlife corridors, rare species habitats, scenic views, and archaeological and historic features.
8. Provide a positive fiscal impact on the Town, i.e. one that generates more local revenue than the total cost to the Town of providing municipal services to the development, as determined by an independent economic and fiscal impact analysis.
9. To the extent allowed by federal and state law, incorporate the best efforts of the proposed uses to provide jobs for Warren residents.

14.8 Modification

The Board may modify or waive any requirement of this Section upon finding that due to topography, location, or unusual conditions affecting the property, the requirements would unreasonably restrict development of the property. In modifying or waiving these provisions, the Board may impose conditions it deems necessary to protect the public interest and promote the orderly development of Warren.

Amend Section 4.3, Special Dimensional Requirements, by adding a new subsection, as follows:

4.37 Major Development Overlay District.

See Section 14.

Or take any action relative thereto.