

## WARRANT ARTICLE

TOWN CLERK

To see if the Town will vote to amend its Zoning Bylaw as follows (underlining and strikethroughs are for illustrative purposes only):

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DUXBURY, MASS.

### **425 INTENSITY AND DIMENSIONAL REGULATIONS FOR ALL NEIGHBORHOOD BUSINESS DISTRICTS**

#### **425.1 Lot Area, Frontage, Depth Dimensions and Coverage**

1. Minimum lot size for NB-1 and NB-2 is 15,000 square feet.
2. Lot Dimension for NB-1 and NB-2:

Frontage	100 linear feet
Depth	100 linear feet
Front setback	10 linear feet
Side setback	0 linear feet
Rear setback	0 linear feet
3. In a Neighborhood Business District where present buildings are less than forty (40) feet from the right-of way line, new buildings may be placed as near the right-of- way line as the average buildings on said adjoining lots. A vacant lot shall, for this purpose, be treated as though occupied by a building set back forty (40) feet.
4. The minimum front setback shall be measured from the right-of-way giving legal access to any lot where a plan of the way is on file with the Registry of Deeds or, in the absence of such a plan, from a line twenty feet from and parallel with the center line of the traveled way. In the case of a corner lot, the distance of the front setback shall apply to any structure adjacent to either right-of-way.
5. In a Neighborhood Business District, no accessory building or structure shall be located within the required front setback. Accessory structures may be appended to the principal building or to another accessory building.
  - a) Corner Clearance – Within the triangle formed by the lines of intersecting ways and a line joining points on such lines fifteen feet distance from their point of intersection, or in the case of a rounded corner, the point of intersection, or in the case of a rounded corner, the point of intersection of their tangents, no structure and no foliage shall be maintained between a height three and one-half (3.5) feet and height of eight (8) feet above the plan through their curb grades.
  - b) Projections – Nothing herein shall prevent the projection of steps, stoops, not exceeding thirty square feet in any area, cornices, window sills or belt courses into any required setback.
  - c) Height – Maximum height shall be thirty (30) feet in NB 1 and NB 2.
  - d) Exemptions to Height Regulations – The limitations of height in feet shall not apply to chimneys, elevators, poles, ventilators, skylights, tanks, bulkheads, and other accessory structural features usually carried above roofs, nor to domes, towers, or spires of churches or other buildings provided such features are in no way used for living purposes and further provided that no such structural feature of any building shall exceed a height of sixty-five (65) feet from the ground. The Board of Appeals may grant a special permit for greater height for such structures

and provided such greater height would not be hazardous or detrimental to the neighborhood.

- e) Site Coverage – In NB1 and NB2 Districts the maximum site coverage of a lot shall be no more than ~~fifty-seventy~~ percent (750%) of the total area of the lot as defined in Section 302 and not “Lot Area.”
- e)f) Floor Area Ratio (FAR) – In the NB1 and NB2 Districts the maximum FAR shall not exceed a ratio of 1.5 to 1.
- g) Bedrooms – Above ground floor apartments in Neighborhood Business Districts 1 and 2 shall be limited to no more than two (2) bedrooms.
- g)h) Reduction of Minimum Requirements – No lot, setback, court or other open space already having less than the minimum requirements in this Bylaw shall be further divided or reduced with respect to such minimum requirement or requirements.

### **302 DEFINITIONS**

#### **Floor Area Ratio (FAR)**

Gross floor area of all buildings on the lot measured in square feet, divided by the total square footage of the entire lot.

Or take any other action relative thereto.

DUXBURY PLANNING BOARD

A 2/3 vote is required.

#### **Explanation:**

Duxbury has a relatively small amount of land dedicated to Neighborhood Business District (3%) uses in the Town. In 2008-2010, then Town Planner and the Planning Board, through a Lot Coverage/Parking Working Group (which included three current Planning Board members)), worked on an intensive review of coverage and site design elements to make recommendations for improved site development in the commercial areas of Duxbury. The Working Group brought forth several recommendations to improve site design which were adopted by Town Meeting. At the time, however, no consensus was reached in making a recommendation for increasing the coverage requirements [recommendations were split: 70% (2-3) and 60% (2-3)]. The reasons for a lack of consensus were twofold at the time: the water quality treatment standards at the time, and concerns regarding massing at the level of 70% coverage. The study found that most of the business districts are at a ratio of 70% coverage, and recent interviews with local commercial property owners confirm that this is a viable ration for the success of their commercial sites.

Water quality treatment designs for parking lots have improved since that time, and there is a clear need to improve the treatment of runoff from parking areas in a more consistent manner. Pretreatment, rather than direct infiltration, of stormwater from these areas is the preferred

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method, and can be attained through proper engineering and design. By allowing for increased parking areas that are paved, water quality will be improved. Current coverage requirements of 50% limit the needed and constructed parking to combinations of traditional pavement with additional gravel or pervious pavement parking, neither of which accomplish the goal of improved water quality as well as the pre-treatment option. In addition, the maintenance and upkeep of standard pavement (rather than a mix of paving and gravel, or the shorter lifetime of pervious pavement which cannot tolerate the wear and tear of vehicular traffic in the same manner as traditional pavement with today's technology) will improve the overall aesthetics of these sites, and will reduce the maintenance costs to property owners in the community.

By including a Floor Area Ratio (FAR), the needed improvement to the coverage can address the concern of massing of buildings with the increased coverage. An FAR is the ratio of the building footprint over the parcel area – a way to limit massing by relating it to the size of the area of the land on which a structure is placed. By incorporating an FAR, the lot coverage issue can be mitigated while still achieving the quality of water treatment through paved parking. The 1.5 to 1 FAR is compatible with the 30 foot height limit, and several local commercial property owners have been consulted with respect to the proposed FAR, which they have found to be economically viable for their sites.

For reference, the definition of Coverage in Section 302 is as follows:

1. Building: The maximum percentage of a lot in any district which is covered by buildings which constitute principal and accessory uses thereof. Garages, barns, storage sheds or additions and alterations to the principal residential building occupying the lot shall not be exempt from the definition of building coverage.
2. Site: The percentage of a lot in any district which is covered by impervious structures, including the principal building and accessory structures on the lot. For the purposes of this section, such impervious structures shall include, and not be limited to, paved driveways and parking areas, sidewalks constructed of impervious materials, principal and accessory structures and other on-site amenities that render any portion of a lot impervious.

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