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# DRAFT HUDSON MILL OVERLAY DISTRICT

## BY-LAW

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This Open Mill Overlay District By-law encourages preservation, reuse, and renovation of underutilized or abandoned mill buildings; allow conversion of such buildings in a manner that is consistent with nearby land uses; and to encourage a mixed use environment in which commercial and office uses are developed in tandem with residential uses.

### **I. Purpose and Intent**

1. The primary purposes for the Mill Overlay District, hereafter MOD, are:
  - (a) To promote the economic health and vitality of the Town by encouraging the preservation, reuse and renovation of underutilized or abandoned historic mill properties;
  - (b) To allow for the conversion of Hudson's historic mills in a way that preserves the character of nearby residential and commercial neighborhoods; and
  - (c) To encourage mixed-use development that includes, but is not limited to, offices, retail and/or service establishments, community facilities, and multi-family housing.

### **II. Definitions**

Applicant - The person or persons, including a corporation or other legal entity, who applies for issuance of a special permit hereunder. The applicant must own, or be the beneficial owner of, all the land included in the proposed site, or have authority on behalf of the owner(s) or hold an option or contract duly executed by the owner(s) and the applicant giving the latter the right to acquire the land to be included in the site.

Mill Conversion Project (MCP) - The conversion of an existing mill, or portion thereof, to multi-family dwellings and/or some combination of appropriate nonresidential uses as defined in Section 5.

### **III. Overlay District**

The Mill Conversion Overlay District is hereby established and shall be construed as an overlay district. Within the MOD, all regulations of the underlying district(s) shall continue to be in full force and effect, except where these regulations supersede such underlying requirements or provide an alternative to such requirements. The MOD shall consist of the following areas:

#### **IV. Applicability**

Within the MOD, the Planning Board may issue a special permit and site plan approval for the construction of a Mill Conversion Project (MCP). No other use or structures shall be permitted in conjunction with a MCP, except as specifically provided herein.

#### **V. Permitted Uses**

1. Within a MCP, residential use shall be permitted in conjunction with one or more of the following specified non-residential uses:

- (a) Galleries, gift shops, arts & crafts, and antiques shops;
- (b) General merchandise, small or specialty food stores, apparel & accessories, furniture & home furnishings, other retail sales;
- (c) Consumer services;
- (d) Restaurant (not including take-out or drive-thru);
- (e) Professional or business office;
- (f) Bank or financial offices;
- (g) Residential dwelling units – condominiums or apartments;
- (h) Artist lofts and work space;
- (i) Institutional (museum, educational use, charitable or philanthropic institution);
- (j) Storage and light industry;<sup>1</sup>
- (k) Accessory uses customarily incidental to a permitted use.

#### **VI. Application Procedure**

1. Pre-Application Procedure

The applicant is strongly encouraged to request a pre-application review at a regular business meeting of the Planning Board. If one is requested, the Planning Board shall invite appropriate town departments, boards and committees as follows: Board of Health, Conservation Commission, Zoning Enforcement Officer, Department of Public Works, Police Chief, Fire Chief, and Town Engineer. The purpose of a pre-application review is to

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<sup>1</sup> These terms/uses will need to be more specifically defined

minimize the applicant's costs of engineering and to commence negotiations with the Planning Board at the earliest possible stage in the development. At the pre-application review, the applicant may outline the proposed MCP, seek preliminary feedback from the Planning Board and/or its technical experts, and set a timetable for submittal of a formal application. No formal filings are required for the pre-application review; however, the applicant is encouraged to prepare sufficient preliminary architectural and/or engineering drawings to inform the Planning Board of the scale and overall design of the proposed MCP.

## 2. Application Procedure

Any person seeking a Special Permit for a MCP shall file an original and eight (8) copies of a special permit application with the Planning Board and a copy with the Town Clerk. At the expense of the applicant, the Planning Board may retain a registered professional engineer or other professional consultant(s) to advise the Planning Board on any or all aspects of the application. In accordance with the Planning Board Fee Schedule, the applicant shall submit a non-refundable filing fee and engineering review fee. The unexpended balance of the engineering review fee shall be returned to the applicant within thirty (30) days from issuance of approval or disapproval. To the extent that the engineering review fee shall prove insufficient to pay for the evaluation and review of the site plan by independent technical experts, and/or pay for clerical, publication, and all other related costs, the charges, if any, shall be billed to the applicant. The applicant shall pay all invoices submitted to him by the Planning Board within thirty (30) days.

Within seven (7) days of receiving a complete special permit application, the Planning Board shall submit one (1) copy of the application to appropriate town departments, boards and committees as follows: Board of Health, Conservation Commission, Zoning Enforcement Officer, Department of Public Works, Police Chief, Fire Chief, and Town Engineer for their consideration, review and comment. The specified town departments, boards and commissions shall submit written recommendations to the Planning Board within thirty-five (35) days of receiving the special permit application. Failure to submit written comments to the Planning Board within thirty-five (35) days shall be deemed a lack of opposition thereto. The Planning Board shall hold a public hearing for which notice is given in accordance with Massachusetts General Law Chapter 40A, Section 11, within sixty-five (65) days of receiving the complete application. Said date may be extended upon mutual agreement with the applicant and filed forthwith with the Town Clerk.

The application for a special permit shall be submitted with forms furnished by the Planning Board in accordance with its regulations. Each such application shall be accompanied, if applicable, by a definitive plan of land pursuant to the provisions of the Town of Hudson Rules and Regulations Governing the Subdivision of Land. In addition, the applicant shall submit:

1. The following plans:

- a. A site plan and all supporting documents as set forth in Section 7.1.7 Site Plan Approval;
  - b. A plan at a scale of 1"=40' showing the topography of the site at a minimum of two (2) foot intervals, as well as vegetation and special features, including wetlands, perennial streams and ponds, waterways, waterfalls, canals and dams, trees of more than 8" caliper, rock outcroppings, slopes in excess of fifteen percent (15%), existing and proposed trails and paths, open vistas, structures of historical importance, wildlife habitats, and proposed conservation and recreation areas;
  - c. A plan illustrating preliminary landscaping and architectural design, showing type, location and layout of buildings, typical elevations, as well as the general height, bulk and appearance of structures. Perspective drawings may be subsequently required by the Planning Board;
  - d. A floor plan to scale for each floor of each building indicating, if applicable:
    - Number of units;
    - Number of bedrooms;
    - Location of affordable dwelling units;
    - Proposed use of floor space;
2. The following narrative reports or data:
- a. A proposed development schedule showing the beginning of construction, the rate of construction and development, including stages, if applicable, and the estimated date of completion;
  - b. A concise narrative prepared by a preservation consultant that includes:
    1. Architectural history of all structures on the site, including period, style, method of building construction, and association with any particular architect or builder.
    2. Mention of any important association with one or more historic persons or events;
    3. Mention of any cultural, political, economic or social significance of the site or any structures on the site to the Town, Commonwealth of Massachusetts or United States of America.
  - c. A development impact statement prepared by qualified professionals detailing the impact of the development at all phases, including construction and operation. The statement shall include the following:<sup>2</sup>
    1. Description of the subdivision and its relationship to the surrounding area.

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<sup>2</sup> This is included for consideration, but may be too onerous if the goal is to encourage developers to take advantage of the overlay option.

2. Tabulation of the total area being subdivided, the total area of lots, the total area dedicated for streets, drainage or utilities, and the total area reserved for recreation, parks or other open land.
  3. Description of the nature and extent of the proposed work and its impact on environmental and historical resources; all measures being utilized to minimize damage; any adverse short-term or long-term environmental consequences which cannot be avoided should the work be performed; as well as alternatives to the proposed action and their effects on environmental and historic resources.
  4. Description of the methods to be used during construction to control erosion and sedimentation; description of the approximate size and location of land to be cleared at any given time and length of time of exposure; covering of soil stockpiles; and other control methods used. Evaluation of the effectiveness of the proposed methods and their effect on the surrounding areas.
  5. Description of the permanent methods to be used to control erosion and sedimentation.
  6. Description of any limitations on the proposed project caused by subsurface soil and water conditions, and methods to be used to overcome them.
  7. Description of the estimated traffic flow at peak periods, the likely circulation pattern, and changes in level of service or safety for vehicles and pedestrians. The scope of the area evaluated for traffic impacts should be related to the volume of traffic that could be generated by future developments in said MCP, and by what routes that traffic will likely use. The report shall contain information about the proposed access points and characteristics of adjacent public streets including, but not limited to: capacity, width, sight distances, alignment, turning data, accident information, and condition of pavement (including shoulders).
  8. Description of the effect of the project on public sewer system. If the proposed project will contain residential uses, state the number of bedrooms proposed for each unit. If the project will contain non-residential uses, provide estimates for the amount of sewage that will be discharged per day.
  9. Description of the effect of the project on the Town water supply and distribution system.
  10. Description of any special impact on municipal and governmental services.
  11. Estimate of the number of new school children generated by the MCP, and number of total new persons added to the Town's population. In addition, projected net tax and other revenues over anticipated municipal costs should be submitted to help the Planning Board gain an understanding of the total fiscal impact of the proposed project upon Town resources.
- d. Information pertaining to any organization which the Applicant proposes to form where the development is to be a condominium or other ownership

organization, including forms and plans to be used to organize and manage the same, for approval as to form by Town Counsel;

- e. Copies of all proposed covenants, easements, and other restrictions which the Applicant proposes to grant to the Town, utility companies, and any condominium or other ownership organization and the owners thereof, including plans of land to which they are intended to apply, for approval as to form by Town Counsel;
  - f. Any and all other information that the Planning Board may reasonably require in a form acceptable to assist in determining whether the Applicant's proposed development plan meets the objectives of this Section.
3. Waiver of Application Requirements: The Planning Board may waive the submission of technical information or documents otherwise required hereunder where the applicant demonstrates that, due to the simplicity of the proposal, such information is not necessary for or applicable to the Planning Board's decision pursuant to this section.

## **VII. Standards**

1. In order to be eligible for consideration for a special permit pursuant to this Section, the proposed MCP shall meet all of the following standards:
- (a) Roadways: The principal roadway(s) within the site shall be adequate for the intended use and vehicular traffic and shall be maintained by an association of unit owners or by the applicant.
  - (b) Number of Parking Spaces: The Applicant shall provide adequate parking to serve all anticipated uses on the property, with information detailing the method of computation of parking spaces. The minimum number of parking spaces shall be computed using the requirements of Section 7.1.5. The Planning Board may allow a reduction of the required number of spaces by up to twenty-five percent (25%) if it can be demonstrated that two (2) or more uses within a single development can share parking spaces. In determining the appropriate reduction, if any, the Planning Board may give consideration to the hours of operation and/or usage of the proposed uses within the development, the opinions of merchants, residents and municipal officials as to the adequacy or inadequacy of parking spaces within the surrounding area, as well as other relevant information.
  - (c) Commercial Vehicles: Commercial vehicles owned or operated by owners or tenants of the MCP, or their agents, servants, licensees, suppliers and invitees shall be parked inside a garage, or a suitably screened or designated area, except for delivery or service vehicles in the active service of receiving and delivering goods and services.

- (d) **Parking Areas:** All parking areas shall be screened from view from adjacent residentially zoned or occupied premises located outside the site, including public ways, by a landscaped border at least six (6) feet in width. Parking lots shall be located to the rear or side of all buildings and shall not be located in front setbacks or in buffer areas; provided, however, that the Planning Board may waive these provisions for existing parking lots and/or existing buildings. Parking lot layouts shall be planned to permit landscaping, buffers, or screening to prevent direct views of parked vehicles from adjacent streets. The use of traditional picket fencing, hedges, walls, or landscape berms to define parking areas is encouraged. In parking areas of thirty or more parking stalls, at least one shade tree of two-inch or greater caliper complemented by shrubs and other planting material shall be planted for every ten (10) parking spaces. Adequate tree wells and irrigation shall be provided for all parking lot landscaping. Pedestrian access is to be taken into consideration in parking lot design. The use of separate walkways is encouraged.
- (e) **Paving:** Paving shall be textured or of different materials at pedestrian crossings and walkways. The use of stone, brick or cultured stone pavers for entrance walkway borders is encouraged. The use of textured materials for walkway borders is encouraged.
- (f) **Paths:** The Planning Board may require paths which shall be attractively designed with proper regard for convenience, separation of vehicular, bicycle and pedestrian traffic, adequate connectivity, completeness of access to the various amenities and facilities on the site and to pathways or sidewalks to adjacent sites.
- (g) **Loading:** Loading areas may be required by the Planning Board where deemed necessary for the efficient operation of the MCP. Loading areas must be at least 20 x 9 feet, and have a minimum overhead clearance of ten (10) feet.
- (h) **Screening:** Exposed storage areas, garbage dumpsters, service areas, truck loading areas, utility buildings and structures shall be screened from the view of abutting properties and streets using plantings, fences and other methods compatible with the goals of this regulation.
- (i) **Utilities:** All electric, gas, telecommunications, and water distribution lines shall be placed underground, except upon a demonstration of exceptional circumstances.
- (j) **Emergency Systems:** The MCP shall have an integrated emergency call, and/or telephone and/or other communications system for its residents and/or other tenants. There shall be sufficient site access for public safety vehicles. The Hudson Fire Department shall approve a plan for the emergency evacuation of residents and/or other tenants with emphasis on ensuring the safety of those with physical impairments.
- (k) **Lighting:** Illuminated signs, parking lot lighting, building floodlighting, or other exterior lighting shall be so designed and arranged that the collective result does not

create so much light overspill onto adjacent premises that it casts observable shadows, and so that it does not create glare from unshielded light sources.

**VIII. Number of Dwelling Units:**

1. The Planning Board shall approve the number of proposed dwelling units upon consideration of the following:
  - (a) Proposed method and efficacy of wastewater disposal;
  - (b) Availability of public water;
  - (c) Trip generation, traffic safety and internal site traffic;
  - (d) Development Impact Statement; and
  - (e) Reports from the technical consultants of the Planning Board and reviewing departments, boards and commissions.
  
2. The Planning Board may offer a density bonus of up to 25% for new residential units if 10% of the units developed are affordable in accordance with the Inclusionary Housing By-law, Section \_\_\_ of the Zoning By-law.

**IX. Action by the Planning Board:**

1. The Planning Board must act on the special permit application within ninety (90) days of submittal of the completed application. A four-fifths (4/5) vote of the Planning Board shall be required to grant the special permit. The Planning Board may grant a special permit for a Mill Conversion Project if it determines that the proposed project complies with the requirements of this Bylaw. The Planning Board shall consider the following when making its determination:
  - (a) Degree to which the proposed project complies with the goals of the Hudson Community Development Plan;
  - (b) Suitability of the site for the proposed use(s);
  - (c) Social, economic or community needs which are served by the proposal;
  - (d) Impact on traffic and pedestrian flow and safety;
  - (e) Adequacy of utilities and other public services;
  - (f) Impact on the neighborhood visual character;
  - (g) Impact on the natural environment; and



(h) Potential fiscal impact; including impact on Town services, tax base and employment.

**X. Conditions:**

1. The Planning Board may impose conditions in the grant of any special permit, including, but not limited to, the following:

- (a) That all construction or infrastructure and improvements shall be completed within a specific time period;
- (b) That all aspects of the MCP, including authorized uses, building occupancy, and intensity of use, shall remain in substantial conformance with the plans and other documents submitted to the Planning Board as part of the special permit proceeding unless modification of the special permit is authorized, after public hearing, by the Planning Board.