



Measure #: 2026-046

TOWN COUNCIL MEASURE SUBMITTAL

Date: 1/12/2026

Submitted By: Town Manager

Telephone #: 508-699-0100

MEASURE DESCRIPTION:

To amend the Zoning Bylaws to add a new section establishing Multi-Use Overlay Districts (MXO).

Signed: _____

Digitally signed by Michael D. Borg
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PURPOSE AND JUSTIFICATION:

To see if the Town will vote to amend its Zoning Bylaws to add a new section tentatively titled Multi-use Overlay Districts (MXO). This section will create five overlay subdistricts: MXO Mall, MXO Route 1 South, MXO Route 1 North, MXO Downtown Community & Business, and MXO Kelley Boulevard. This bylaw amendment is a modernization effort to the Town's zoning and to position Route 1 and other commercial areas for economic development that targets the latest industries, promotes high value commercial development, and allows more uses all by special permit.

SPECIAL REQUIREMENTS:

ATTACHMENTS: MXO bylaw and boundaries draft.

REFER TO SUB-COMMITTEE: By-law Subcommittee, Planning Board

Article II – Districts

§ 290-10 Multi-use Overlay Districts (MXO)

1. Purpose

The Mixed-Use Overlay (MXO) is established as an overlay zoning district with five subdistricts: MXO Route 1 South, MXO Route 1 North, MXO Downtown Community & Business, MXO Mall, and MXO Kelley Boulevard. Its purpose is to allow greater flexibility and imaginative design for the development of a variety of uses together that is generally not possible under conventional zoning including but not limited to retail, medical, office space, manufacturing, residential, technology & life sciences, and restaurants. Also, to encourage the adaptive reuse of vacant or underutilized buildings or structures for the creation of centers of economic activity that serve as attractive places to live, work, and shop along Route 1 and Kelley Boulevard. Further, the MXO shall allow a harmonious variety of uses through the Planning Board, the Special Permit Granting Authority (SPGA), while encouraging economic development and vitality to its subdistricts.

2. Authority

The MXO is herein established as an overlay zoning district. The Planning Board is hereby designated as the SPGA for proposed developments under the MXO. All requirements of the underlying zoning district(s) shall remain in full force and effect, except for applications applied under the MXO where the requirements are less restrictive or provide for uses of structures not otherwise available in the underlying district. Where the MXO provisions are silent on a zoning rule or regulation, the requirements of the underlying zoning shall apply.

3. District Delineations

The provisions of this section shall apply to land identified as the Mixed-Use Overlay (MXO) designated as an overlay district on the zoning map dated XXXXXX, 2025. A map of the MXO zoning overlay districts can be found online at:

<https://communityscale.maps.arcgis.com/apps/mapviewer/index.html?webmap=6d0bd79a5f16488783217d9971e072a0>

The MXO has the following five subdistricts and benefits:

1) MXO Route 1 South

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2) MXO Route 1 North: Larger parcels for redevelopment into multi or mixed-use economic zones.

- 3) MXO Downtown Community & Business: Smaller parcels with zero setbacks, higher possible height, and residential above the first level for a vibrant downtown.
- 4) MXO Mall: Higher allowable building height and density for a redevelopment plan that is adjacent to the highway.
- 5) MXO Kelley Boulevard: Mixed-use allowed with larger minimum lot sizes.

4. Multi-use

Commercial and residential uses are permitted in separate buildings located either on the same lot or on multiple lots included in the development. This is to allow redevelopment plans for vibrant mixed-use economic centers. As the SPGA, the Planning Board retains discretion regarding the ratio of commercial to residential development and may require a commercial ratio exceeding that outlined in Section 5: Mixed-use.

5. Mixed-use

Residential housing with commercial development is allowed in all of the subdistricts by special permit subject to the review criteria. If both uses are in one building, at least 33% of the gross floor area shall be for non-residential or commercial uses. The 33% gross floor area ratio excludes parking structures. The dimensional requirements vary by subdistrict.

6. Uses

Except as noted below, all uses are eligible for consideration in the MXO.

Prohibited Uses. The following uses are prohibited when applying for a MXO special permit: new and used auto/vehicle sales, self-storage facilities, mobile homes, boarding homes, dry cleaners, salvage yards, and outdoor vehicle storage places.

7. Existing Special Permit

Upon the issuance of a Special Permit under this MXO bylaw, any prior Special Permits issued for the subject property shall be superseded to the extent they are inconsistent with the MXO Special Permit.

8. Concept Plan

Before submitting an application under MXO, the applicant shall have a pre-application meeting with the Planning Board and discuss a concept plan. The concept plan shall at a minimum show the overall building envelope areas, amenities, and general site features. The pre-application meeting is a tool to gain direction for final design, a discussion on waivers, and to expedient the formal application process.

9. Submittal

The application form can be retrieved online and must be submitted to the Planning Department. Electronic copies of all materials are required. The site plan must include the standards in Attachment A, and the application package must also have a landscape plan, building elevations,

and signage details. Landscape plans shall be prepared by a landscape architect licensed in the Commonwealth of Massachusetts, and building elevations shall be prepared by an architect licensed in the Commonwealth of Massachusetts.

An applicant shall file the application form and the other required submittals as set forth with the Town Planner, including the date of filing, certified by the Town Clerk, shall be filed forthwith with the SPGA. At the time of application, the applicant must submit all the required items on the application and associated checklist(s) and fund the application fee.

10. Development Impact Statement

Any application consisting of the development or redevelopment of 5 contiguous acres, or any proposed plan in excess of 30 dwelling units, or when determined appropriate by the Planning Board, a Development Impact Statement (DIS) must be submitted. The DIS shall be a written memorandum that includes a market analysis, fiscal impact to the Town, construction phase and scheduling plan, traffic impact, and a stormwater management summary.

11. Dimensional Requirements

The following Density and Dimensional Requirements shall apply within the Mixed-Use Overlay subdistricts.

MXO Dimensional Table

	Lot Area (min, sq. ft.)	Lot frontage (min, ft.)	Height (max, ft.)	Max no. of stories	Front yard setback (min. ft.)	Side yard setback (min. ft.)	Rear yard setback (min. ft.)	Max. building coverage (percent)	Min. open space (percent)
MXO Route 1 South	80,000	200	70	6	25	25	25	70	30
MXO Route 1 North	60,000	200	40	6	10	10	25	70	30
MXO Downtown Community & Business	20,000	60	70	6	0	0	20 ¹	95	5
MXO Mall	60,000	100	96	8	0	10	20	70	30
MXO Kelley	60,000	200	72	6	10	10	25	70	30

Boulevard									
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1. Rear setback increases by 0.5' for every foot of building height above 40'.

12. Off-Street Parking Regulations

Use	
Mixed-use residential unit	1 per bedroom or 1.5 per unit, whichever is less.
Retail, service, finance	1 per 500 s.f. with a minimum of 4 spaces.
Technology, life sciences, industrial	1 per 600 sq. ft. or 0.75 per each employee of the combined employment of the two largest successive shifts, whichever is larger.
Medical or dental clinic or office building	3 for each doctor, plus one for every two employees.
Wholesale establishment or warehouse	1 per each 1,000 square feet of gross floor space.
Hotel, motel, tourist court	1 for each sleeping room, plus one for each 400 square feet of public meeting area and restaurant space.
Public assembly	1 for 4 seats of seating capacity
Hospital	2 per bed at design capacity.
Nursing home	1 per bed at design capacity.
Assisted living facility	0.4 spaces per sleeping unit, plus one employee parking space per 15 sleeping units.
Business, trade or industrial school or college, country clubs	1 per each 200 square feet of gross floor area in classroom and other teaching stations, plus space for gymnasium or auditorium, whichever has the larger capacity.
Other school	2 per classroom in an elementary and junior high school; four per classroom in a senior high school, plus space for auditorium or gymnasium, whichever has the larger capacity.
Transportation terminal establishment	1 for each 600 square feet of gross floor area.
Mixed-use	Sum of various uses computed separately.

12. Off-Street Loading Regulations

Use	
Retail trade, manufacturing and hospital establishment with over 5,000 square feet of gross floor area.	1 per 20,000 square feet or fraction thereof of gross floor area up to 2 spaces; 1 additional space for each 60,000 square feet or fraction thereof of gross floor area over 40,000 square feet; space used for ambulance receiving at a

	hospital is not to be used to meet these loading requirements.
Business services, other services, community facility (school, church, Town building, recreation, etc.) or public utility establishment with over 5,000 square feet of gross floor area.	1 per 75,000 square feet or fraction thereof of gross floor area up to 2 spaces; 1 additional space for up to 200,000 square feet or fraction thereof of gross floor area over 150,000 square feet.

Each space for off-street parking shall be 9 x 18 feet.

13. Development Standards

a. Building orientation: Buildings shall be oriented parallel or perpendicular to the street and/or village green or common. There should be a clear indication of the front entrance. Upper-story orientation may vary, provided that buildings continue to create a sense of enclosure to public streets and parks.

b. Ground floor uses and entrances: Entrances shall be oriented towards sidewalks on abutting streets. More active occupied non-residential interior spaces shall orient to public streets and public spaces.

c. Building facades. Blank facades are not permitted. Changes in plane or material and techniques such as offsets, projections, and recesses shall be used to avoid the appearance of a blank wall and to provide a pedestrian scale in areas. Long horizontal facades shall be avoided by the incorporation of clear distinction in materials and colors and/or other means of breaking down such spans.

The front facades, side, and rear portions of buildings shall have a subtle change in architectural expression. The front and rear of the buildings shall differentiate subtly in color. Building design shall distinguish the podium from upper stories to create visual variety. All buildings should have a coordinated color scheme.

d. Materials:

- 1) Chain link fence is prohibited. Architectural character and expression shall be of consistent high quality on all exterior portions and sides of a structure. Accessory components and building systems including by not limited to porches, canopies, railings, gates, fences, garden walls, lighting, mechanical penthouses, balconies, doors, lighting, weather protection, and gutters shall reinforce the overall building style.
- 2) Vinyl siding and EIFS is prohibited, although these materials may be used on facades not visible from the public way or open space, or adjacent residential uses, provided that these materials are detailed and installed in ways that are consistent with the requirements of these Design Standards.

- 3) Masonry: Opaque surfaces on the levels of all building facades shall be at least 60% masonry (brick, stone, or architectural precast concrete) along the primary frontages. All masonry surfaces shall wrap around outside corners and end at an inside corner in plan.
 - 4) Materials: Masonry (brick, granite, stone, architectural precast concrete); Wood (painted or sealed with an opaque or semisolid stain or imitation wood rainscreen); Metal elements (natural colored or painted steel, aluminum, copper, or bronze); Glass (except dark tints).
- e. Mechanical equipment and refuse storage: Rooftop mechanical equipment shall be set back from the facades so that it is not visible from the public way or abutters or screened from view by architectural elements integrated into the building design. Louvers and other mechanical systems shall be on facades not visible from the public way or abutters, or on the roof. Rooftop mechanical equipment is preferred. If mechanical equipment is located on ground-level, it must be screened with plantings or fencing or installed at the inner courtyard. All trash and recycling areas shall be screened and enclosed.
- f. Driveways and curb cuts may be no more than 24 feet in width, excluding flares for turning radius. Access drives shall provide direct access to parking and loading elsewhere on the site. Access drives are encouraged to be shared with abutting sites, both existing and planned. Surface motor vehicle parking is prohibited in the area between building frontages and public streets or parks.
- g. Off-street parking requirements: Parking standards for commercial uses may be reduced by 40% when applicant provides the SPGA with information (in the form of a lease agreement, deed restriction or other legal agreement) on the ability to share parking within the development or adjacent properties. The parking information shall include information on peak parking times by use and cohesive uses in accordance with “Parking Spaces/ Community Places, finding balance through smart growth solutions” as provided by the EPA. Off-street parking within 300 feet of the property may be counted towards the commercial parking requirement. Nine by eighteen parking spaces are allowed to reduce impervious surface.
- h. Landscaping. Trees planted must have a minimum height of 10 feet or 3 inches in caliper.
- i. Parking and landscaping:
- 1) Surface parking must be screened from view along any lot line abutting a public thoroughfare using a 6-foot-wide landscape strip that meets one of the two following options: (1) continuous row of shrubs and one tree per 30 feet of lot line, (2) Landscape strip with a 3-foot-tall metal fence between masonry pillars and one tree per 30 feet of lot line.
 - 2) Landscaping and tree planting is required at surface parking locations to provide some screening and relief from the continuity of parking spaces. At least one shrub shall be provided for every five linear feet, or one shrub per 35 square feet of ground area, whichever results in a greater number of shrubs. All new parking lots containing 10 or more parking spaces shall include parking lot shading consisting of tree plantings designed to result in the thirty percent shading of parking lot surface areas within 15 years.

j. Outdoor lighting: Site lighting shall be limited to 18 feet in height and have shields directing light downward with a total cutoff of all light at less than ninety (90) degrees from vertical. Light poles shall be of black ornamental design.

k. Street trees: Street trees shall be planted by the developer along the right-of-way for landscaping and greenery. A mix of trees and bushes that are of native origin and that require minimal maintenance shall be selected. Trees and bushes should be pruned to provide proper headway and visibility for vehicle operators and pedestrians.

l. Amenities: Pedestrian amenities such as benches, bicycle racks, planters, trash receptacles, etc. are encouraged and shall be located along sidewalks, and in landscaped areas, open spaces and plazas. Bicycle racks shall be provided.

m. Utilities: All new utilities shall be placed underground.

n. Solid waste management: A solid waste management plan for the entire development shall be prepared and submitted. The goal of this plan shall be to maximize recycling and centralize collection and containment of all waste within the development. This waste area shall be properly screened and located to minimize disturbances to residents and abutters.

o. Signs: No signs shall be attached, erected or otherwise installed on any property without first obtaining a sign permit from the Building Inspector, such permit to be granted only in accordance with the following regulations:

- 1) No sign shall extend above the roofline of the building to which it is attached. Roof signs are not allowed.
- 2) A sign (including temporary interior window displays or banners) or its illuminator shall not by reason of its location, shape, size or color interfere with traffic or be confused with or obstruct the view of the effectiveness of any official traffic sign, traffic signal, or traffic marking. Therefore, flashing or animated signs are not permitted and red, yellow, or green colored lights shall not be permitted.
- 3) No more than two signs shall be allowed for any one business or industrial establishment in the "C" or "I" Districts.
- 4) The supporting members for any pole sign, projecting sign, or any other sign shall be in acceptable proportion to the size of the sign.
- 5) General advertising signs shall be prohibited. Projecting signs are prohibited, except for one "icon" or symbolic sign not to exceed four square feet in surface area, and such sign shall not extend beyond the front lot line or into the public right-of-way.
- 6) One wall sign or electric awning sign not to exceed 15% of aggregate area of occupancy elevation on which the signs are installed.

- 7) Incidental signs not to exceed four square feet of sign area per occupancy.
 - 8) One wall sign is permitted for each establishment with frontage on a public way, provided the sign is attached to and parallel with the main wall of the building facing that public way. If the primary customer entrance is located on a different wall that faces a parking area rather than the public way, one additional wall sign is permitted on that entrance-facing wall. The total surface area of each wall sign shall not exceed 5% of the area of the exterior wall to which it is attached. If illuminated, signs shall be lit internally or by indirect white light only.
 - 9) One pole sign for each street frontage of each establishment, provided it shall not exceed one square foot of sign area for each linear foot of property frontage not to exceed 200 square feet in surface area; no portion of it shall be set back less than 10 feet from any street lot line; it shall not be erected so that any portion of it is over 30 feet above the ground or sidewalk; and if lighted, it shall be illuminated internally or by indirect method with white light only.
 - 10) One standing (or ground) sign for each lot street frontage of a business establishment in the C-30 and C-60 Business Districts, provided it shall not exceed one square foot of sign area for each linear foot of property frontage not to exceed 200 square feet in surface area, on any one side; no portion of it shall be set back less than 10 feet from any street lot line; it shall not rise to more than 12 feet from the ground or sidewalk; and it shall be illuminated internally or by indirect method with white or blue light only. Where a single lot is occupied by more than one business, whether in the same structure or not, there shall not be more than one standing sign.
- p. The applicant shall take measures that will minimize traffic volume and will minimize negative impacts to safety on adjacent highways. The following standards shall be employed:
1. The number of curb cuts on state and local roads shall be minimized. To the extent feasible, access to businesses shall be provided via one of the following:
 - A. Access via a common driveway serving adjacent lots or premises.
 - B. Access via an existing side street.
 - C. Access via a cul-de-sac or loop road shared by adjacent lots or premises.
 2. One curb cut opening (driveway) shall be permitted as a matter of right. Where deemed necessary by the special permit granting authority, two curb cut openings (driveways) may be permitted as part of the special permit approval process, which shall be clearly marked "entrance" and/or "exit."

Sidewalks, walkways, or other safe passageways shall be provided to access adjacent properties and between individual businesses within a development.

14. Review Criteria

MXO special permits may be granted by the SPGA upon its determination that the benefits of the proposed development outweigh the detrimental impacts on the neighborhood and the town. The SPGA shall review and make all determinations on the application. In order to approve the special permit, the SPGA shall also make a positive finding on each of the following criteria:

- a. The development complies with the town's currently approved plans and reports such as but not limited to: Master Plan and the Open Space & Recreation Plan.
- b. The development complies with the SPGA's Mixed-Use Overlay Development Standards.
- c. The development contributes to a more walkable and safe mixed-use area by ensuring consistently high-quality site and architectural design and a network of multiple routes for vehicles, bikes, and pedestrians and the parking and loading of the development, as is acceptable to the SPGA.
- d. The development must provide the percent of affordable units that is set as the statutory minima for municipalities under M.G.L c.40B, section 20-23. An affordable dwelling unit is a dwelling available at a cost of no more than 30% of gross household income of households at or below 80% of the Bristol County median income as reported by the U.S. Department of Housing and Urban Development, including units listed under G.L. c 40B sec. 20-23 and the Commonwealth's Local Initiative Program. The affordable housing units from this Bylaw shall be on the Subsidized Housing Inventory (SHI) maintained by the Executive Office of Housing and Livable Communities (HLC) and that said units count toward the Town's requirements under G.L. c. 40B, sec. 20-23. A deed restriction restricting the future resale or maximum leasing or renting at market rate for perpetuity shall be required by the SPGA.
- e. The development must ensure a transition to surrounding residential and commercial areas by employing design, integration, and landscaping practices.
- f. A detailed traffic impact analysis shall be submitted to the Planning Board for any application for a new development whose principal use or an existing development whose change in use or anticipated trip generation in excess of 100 vehicle trips during the peak hour of the adjacent roadway. The traffic impact analysis must be reviewed satisfactorily by the Planning Board.
- g. Adequacy of space and location for the off-street loading and unloading of vehicles, goods, products, materials, and equipment incidental to the normal operation of the establishment.
- h. Method of disposal for sewage, refuse, and waste resulting from the uses permitted or permissible on the site, and the methods of drainage for surface water, including consideration of groundwater recharge.

15. Waivers

The Planning Board may waive any or all of the requirements of the MXO, including § 290-11.13 Development Standards in the interests of design flexibility and overall project quality,

and upon a finding of consistency of such variation meets the overall purpose and objectives of the MXO. Waiver requests are encouraged to be brought forward at the concept plan stage.

16. Severability

If any provision of this § 290-11 Mixed-use Overlay (MXO) is found to be invalid by a court of competent jurisdiction, the remainder of it shall not be affected and shall remain in full force.

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Attachment A: MXO Site Plan Requirements

Site plans shall be prepared by a professional civil engineer, professional land surveyor, and landscape architect, as applicable, registered in the Commonwealth of Massachusetts and provide, at a minimum, the following information in the plan set:

- (a) Name of the applicant and the lot owner.
- (b) Assessor's plat and lot number.
- (c) Book and page number of the current deed as recorded in Bristol County North Registry of Deeds.
- (d) Zoning district, overlay zones and proposed use of the site.
- (e) An existing conditions plan.
- (f) Dimensions of the lot and proposed building setbacks from each lot line.
- (g) Scale of plan.
- (h) Locus plan of the area, showing the specific site at a scale of one inch equals 2,000 feet.
- (i) Location of existing and proposed structures, including dimensions, total area, number of stories, and ground elevation at building corners.
- (j) Dimensions of parking spaces, loading areas, driveway openings, driveways, service areas and other open uses.
- (k) Delineation of a vegetation clearing/limit of work line.
- (l) A landscape design for the site, including dimensions and details of sidewalks, fences, walls and planting areas.
- (m) All facilities for water, sewage disposal, refuse, snow removal and other waste disposal areas.
- (n) A stormwater management design, including, but not limited to: catch basins, drain manholes, pipes, paved waterways, dry wells, riprap, retention and detention storage areas.
- (o) All existing and proposed topographic contours at two-foot intervals.
- (p) All wetlands, floodplains, waterways and rock outcroppings.
- (q) Location, dimensions, and purpose of any easements.
- (r) All curbs, granite bounds, and pertinent roadway data, including but not limited to the following: length, bearing, radii, tangent distances, and central angles to determine the exact location, direction, and length of every street and way line, lot line, and boundary line; and to establish these lines on the ground.
- (s) Location of all signs and pavement markings.

- (t) Zoning table showing compliance with the requirements of Intensity Schedule A.
- (u) Proposed location(s) of accessory buildings or exterior storage.
- (v) Names and location of all existing abutters, indicating limits of contiguous boundaries and including the owners of land separated from the site by a street.
- (w) A photometric lighting plan illustrating a twenty-foot splash-over which ends at the property line.
- (x) Details suitable for construction of the various elements of the site plan.

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MXO Boundaries

MXO Route 1 North & Route 1 South districts in orange, red, and pink outline.

MXO Mall district is yellow outline.

MXO Downtown & Community Business district is light blue.

MXO Kelley Boulevard district is green, red, and pink.

*Official MXO zoning map coming.









