



# Town of Pepperell

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## ARTICLE 21

### 8900 Adaptive Reuse of Significant Structures

**8910 Purpose.** The purposes of the Adaptive Reuse of Significant Structures bylaw are to:

1. Promote adaptive reuse as part of broader goals supporting historic preservation, economic development, housing production, and environmental sustainability and resilience.
2. Allow for the reuse of unused or underused municipal buildings, community-type buildings such as houses of worship or benevolent or fraternal society lodges and their affiliated structures in a way that promotes public health, safety and welfare and is in keeping with the adjacent character of the neighborhood.
3. Provide regulatory flexibility and intensification of use in such buildings so as to incentivize adaptive reuse and prevent disinvestment or deterioration of buildings that have become obsolete for their original purposes.

### 8920 Definitions

1. Adaptive Reuse Project – Any change of use from a building’s current use to a new use in all or a portion of any eligible building as provided for hereunder, which may also include existing accessory structures that are located on the same lot. Lots included in an Adaptive Reuse Project must be contiguous, subject to the requirements stated below.
2. Eligible building – Any building or structure that meets one of the two criteria listed in Section 8930. The building(s) upon which a project is based must be currently in existence. A project may not be based on a building which has previously been demolished or removed from the project site, or a building for which the current principal use is no longer a municipal or community-type use.
3. Food Service Establishment: An operation that stores, prepares, packages, serves, vends, or otherwise provides food for the public. The term includes, but is not limited to, catering operations, mobile food operations, farmers’ markets, and commissaries.
4. Makerspace: A building or portion thereof used for the on-site production of parts or finished products by individual or shared use of hand tools, mechanical tools, and electronic tools. Makerspaces may include spaces for design and prototyping of new materials, fabrication methodologies, and products, as well as spaces for packaging, incidental storage, sales, and distribution of such products. Typical uses include but are not limited to: electronic goods; print making; leather products; jewelry and clothing/apparel; metalwork; furniture; woodworking and cabinet shops; glass or ceramic production; and

paper manufacturing. Makerspaces may host classes or networking events which are open either to the public or to current and prospective members or contracted users.

5. Museum: A repository of objects connected with literature, art, history, culture, or science, collected and displayed for the edification, amusement, entertainment, or education of patrons.
6. Shared Offices (Co-Working Spaces): A building or portion thereof consisting of a shared office environment, which contains desks or other workspaces and facilities, including, but not limited to, dedicated workstations, office suites, meeting rooms, event space, resource libraries, and business or administrative support services. Coworking spaces may host classes or networking events which are open either to the public or to current and prospective members or contracted users.

### **8930 Eligibility for Adaptive Reuse.**

1. A municipal building and its accessory structures located in any zoning district if it was used for at least fifteen (15) continuous years for municipal use;
2. Any existing structure and its accessory structures used for a community-type purpose for at least fifteen (15) continuous years, but limited to: houses of worship, convents, schools, rectories, parsonages, parish halls, and benevolent or fraternal society lodges.

**8940 Permitted Uses.** The uses specified in Section 8950 are permitted uses for an Adaptive Reuse Project.

**8950 Special Permit required.** The adaptive reuse of an eligible building may be implemented upon the issuance of a special permit by the Planning Board, in accordance with Section 9300, Special Permits, and upon site plan approval pursuant to Section 9400, Site Plan Review, subject to the requirements set forth herein. No other use or structures shall be permitted in conjunction with an Adaptive Reuse Project, except as specifically provided herein. The following uses are allowed by special permit and subject to site plan review:

1. Multi-Family Dwellings;
2. Assisted living facility;
3. Hotel or inn;
4. Business and professional offices;
5. Shared offices (co-working spaces);
6. Bank or financial institution, not including drive-thru services;
7. Medical and dental offices;
8. Restaurants/Cafes, sit-down only;
9. Food Service Establishment, including a Commercial Kitchen or Commissary;
10. Retail (maximum of 7,500 square feet gross floor area per one establishment);
11. Hair Salon, Barber Shop;
12. Studios and performance venues for fine and performing arts, including art, crafts, drama, speech, dance, music, photography. Performance venues shall be limited to a maximum of 7,500 square feet gross floor area;

13. Museum or other cultural establishment;
14. Art Galleries;
15. Makerspaces;
16. Multiple or Mixed Uses: Any combination of single residential or non-residential use, as identified in this Section, may be allowed provided the uses are compatible with each other and will not impair the public health, safety or welfare of the community.

### **8960 Requirements and Standards.**

The Planning Board may grant an Adaptive Reuse Special Permit for an Adaptive Reuse Project provided the proposal is consistent with the following requirements and standards:

1. Permitted Uses: The reuse of buildings and the lot(s) shall be consistent with the uses permitted in Section 8950.
2. Action by the Planning Board on an Adaptive Reuse Project shall only occur after the Planning Board receives a recommendation from the Town of Pepperell Historical Commission or thirty-five (35) days have elapsed after the Commission's receipt of a copy of the application without a response, which shall be deemed a lack of opposition.
3. Affordable Dwelling Units. Adaptive Reuse Projects that include five (5) or more residential dwelling units shall require at least 10% of the units, and in no case, less than one unit, be restricted as affordable in perpetuity, which is defined as a year-round unit that serves households earning at or below eighty (80) percent of the area median income and shall remain permanent as evidenced by deed restrictions consistent with the requirements of the Massachusetts Department of Housing and Community Development. When the 10% calculation results in a fractional number of affordable dwelling units, the number shall be rounded up to the next whole number of units. Any inclusionary housing requirements in this Zoning Bylaw that would require a greater number of affordable dwelling units shall supersede the provisions of this paragraph.
4. For multifamily projects, the maximum number of dwelling units shall be established by the Planning Board, based on consideration of the following criteria:
  - a. Existing structures
  - b. Proposed method and efficacy of stormwater disposal
  - c. Availability of water and sewer service
  - d. Vehicle trip generation, traffic safety and internal site traffic associated with the project
  - e. Character of the proposed project and its relation to the surrounding neighborhood(s)
  - f. Character of the existing buildings and the potential for reuse thereof
  - g. Reports of any technical consultants of the Planning Board and all other reviewing boards of the Town with regard to the project's capacity for residential use and its impact on the surrounding neighborhood(s).
5. Buffer. A buffer area of thirty (30) feet shall be provided at the perimeter of the project site where it abuts residentially zoned or occupied properties, except for driveways necessary

for access and egress to and from the site provided, however, that existing structures and existing access driveways or roadways are exempt from this requirement. The Planning Board, as part of a Special Permit granted hereunder, shall have the authority to waive or modify this requirement where compliance is not feasible due to site constraints.

6. Parking. For all new buildings and structures and for existing buildings or structures within the project, off-street parking spaces and loading and unloading spaces shall conform to the requirements of the Zoning Bylaw, including section 5000, except as otherwise provided below. The Planning Board may grant a waiver from parking requirements if existing parking areas at the project site do not meet the applicable parking requirements and the Planning Board finds that additional space devoted to parking would be a detriment to compatibility of the project with the character of the neighborhood.
  - a. All off-street parking areas shall be located to the rear or side of buildings and shall not be located in front setback areas or common open space, except that the Planning Board may waive these requirements for existing parking lots or existing buildings.
  - b. Parking for commercial vehicles. Commercial vehicles owned or operated by owners or tenants of an Adaptive Reuse Project, or their agents, employees, licensees, or suppliers, shall be parked inside a garage, or in a suitably screened and designated area, except for commercial vehicles in the active service of receiving or delivering goods or services.
  - c. Screening of Parking Areas. All parking areas shall be screened from view from adjacent residentially zoned or occupied premises located outside the project site, including public ways, by a landscaped border at least ten (10) feet in width. Parking lot layout shall allow for 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 eleven or more parking stalls, at least one tree of three-inch or greater caliper shall be planted for every six parking spaces. Adequate tree wells and irrigation shall be provided for all parking lot landscaping. Screening and landscaping shall be provided to block all views of loading areas (except those specifically designated for emergency vehicles) from the public right-of-way and adjacent properties.
7. Stormwater Management. The stormwater management system shall be designed in accordance with the Pepperell Stormwater Bylaw and regulations thereunder.
8. Utilities. Buildings shall be tied into municipal water and waste water systems when the project falls within an area served by either or both those systems, as applicable.
9. Emergency Systems. The project buildings shall have an integrated emergency call, and/or telephone and/or other communications system for the residents and/or other tenants. There shall be sufficient site access for public safety vehicles. A plan shall be approved by the Pepperell Fire Department for the emergency evacuation of the residents, with emphasis on ensuring the safety of residents with physical impairments.
10. Lighting. All lighting shall comply with the Town's bylaws and regulations.

11. Signs. All signs shall comply with the Town's bylaws and regulations, including section 5300 of the Zoning Bylaw.
12. Existing buildings shall be rehabilitated in a manner that restores the building's exterior façade to its original profile to the extent possible within reasonable engineering methods and cost.
13. New Buildings. Accessory building(s) may be constructed as part of an Adaptive Reuse Project if the Planning Board determines that the number, type, scale, architectural style, and uses within such new building(s) will be compatible with the existing building(s) included in the project and the use thereof.
14. The reuse or modification of properties which are listed on, contribute to a property listed on, or are eligible for listing on the National Register of Historic Places or the State Inventory of Historic Places shall be allowed, subject to the following provisions:
  - a. External architectural elements that are character-defining features shall be preserved and/or restored to the extent possible, in particular historically significant facades.
  - b. Original roof lines, to the greatest extent possible, shall be preserved and/or restored.
  - c. Treatments of character-defining features of the property shall follow the guidance outlined in the U.S. Secretary of the Interior's *Standards for the Treatment of Historic Properties*.
  - d. Alternative treatments may be considered where traditional preservation and/or restoration is not feasible, provided such alternative treatments have been reviewed and are recommended for approval by the Pepperell Historical Commission.
  - e. Upon recommendation of the Pepperell Historical Commission, the Planning Board may hire a suitably qualified consultant, at the cost of the project applicant, to prepare an NRHP eligibility survey or review of proposed treatments.
15. The proposed project does not cause substantial detriment to the neighborhood after considering the following potential consequences:
  - a. noise, during the construction and operational phases,
  - b. pedestrian and vehicular traffic,
  - c. environmental harm,
  - d. visual impact caused by the character and scale of the project's buildings and structure(s).
16. The Planning Board may impose such conditions and limitations on a Special Permit granted under this Section as it determines may be necessary to protect the neighborhood surrounding the subject property and/or to encourage the most appropriate use of the land and building(s) to be converted.

#### **8970 Dimensional Controls.**

1. Changes to the size of a building or exterior dimension of such building shall be subject to the dimensional controls of Section 4000 of the Zoning By-Law, unless modified pursuant to this section.

2. The Planning Board, as part of a Special Permit granted hereunder, shall have the authority to waive or modify dimensional controls set forth in Section 4000 of the Zoning Bylaw where compliance is not feasible due to site constraints.
3. An increase in the footprint of a building being considered for adaptive reuse will be permitted provided the proposed increase is required for either of the following:
  - a. To conform to the requirements of the Americans With Disabilities Act or the regulations of the Massachusetts Architectural Access Board.
  - b. To permit the reuse of the structure through necessary enhancements, which are not designed to increase the building capacity, but are required to make the building functional for the intended new use (e.g., lighting, elevator, railings, heating and cooling ducts, etc.).

### **8980 Scope of Authority**

Except as specified in this Section 8900, the provisions of the underlying zoning districts shall remain in effect. The provisions of Section 8900 shall govern the reuse, reconstruction or expansion of eligible buildings as described in Subsection 8930 above. The Special Permit Granting Authority for an Adaptive Reuse Project shall be the Planning Board. Applicants for Special Permits under this section shall submit plans in compliance with the Pepperell Planning Board Rules and Regulations for Special Permits.