

Article XXIV. Lafayette-Main Commercial District

300-157. Purposes

The purposes of the Lafayette-Main Commercial District are to encourage diverse, high-quality, and attractive commercial developments and mixed use developments on Lafayette Road, Main Street, and Toll Road, substantially consistent with the Salisbury Master Plan; to meet the goods and services needs of residents and visitors; and to create attractive, organized activity centers on Lafayette Road and Main Street.

In the Lafayette-Main Commercial District, no structure shall be erected or altered and no building, structure, premises, or land shall be used for any purpose or in any manner other than as permitted in this Article XXIV, except as provided in Article V of this bylaw.

300-158. District Boundaries

The boundaries of the Lafayette-Main Commercial District, consisting of LM, and subdistricts LM-A, LM-B, LM-C, and LM-D, shall be as shown on a map titled “Lafayette-Main Commercial District,” dated [insert final date], which is hereby incorporated in and made part of this Bylaw.

300-159. Definitions

As used in this Article XXIV, the following terms shall have the following meanings. Definitions of other terms used herein shall be in accordance with Section 300-5.

Bed and Breakfast. A private owner-occupied residence with up to six guestrooms rented to the public for overnight or weekly accommodation for a fee, with breakfast served to guests. The guest rooms contain no cooking facilities and do not constitute separate dwelling units. The bed and breakfast is subordinate and incidental to the main residential use of the building.

Mixed Residential Development. A planned development that includes two or more residential uses and protected open space, and provides for the construction of detached dwellings in Lafayette-Main Subdistrict B.

Mixed-Use Development, Vertical. As defined in Section 300-82.3.

Mixed-Use Development, Horizontal. As defined in Section 300-82.3.

Self-Service Storage Facility. A building or group of buildings consisting of individual, controlled access and self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

300-160. Use Regulations

A. Table of Uses. The following use regulations shall apply in the Lafayette-Main Commercial District.

Use	Subdistricts				
	LM	LM-A	LM-B	LM-C	LM-D
Exempt, Community, and Agricultural Uses					
Uses exempt under M.G.L. c. 40A, Sec. 3	P	P	P	P	P
Public utility except power plant, water or sewage treatment plant, or refuse facility	P	P	P	P	P
Public park, conservation area, or preserved open space	P	P	P	P	P
Town cemetery, including crematory	P	P	P	P	P
Street, bridge, tunnel, railroad haul lines	P	P	P	P	P
Agriculture, horticulture, floriculture	P	P	P	P	P
Non-Exempt Agriculture, horticulture, floriculture (under five acres)	P	----	----	----	----
Residential Uses					
Detached dwelling. (In Subdistrict B, allowed only in a Mixed Residential Development under Section 300-162)	P	----	PB	----	P
Multifamily dwelling	PB	----	P ¹	PB	P
Accessory uses					
Home occupation	P	----	P	----	P
Accessory apartment	P	----	P	----	P
Bed & breakfast	P	----	P	----	P
Nonresidential Uses					
Vertical mixed-use development	P	----	P	P	P
Horizontal mixed-use development	PB	----	PB	PB	P
Nursing, rest, or convalescent home	----	----	P	----	P
Hospital or ambulatory health care center such as an outpatient surgery center or urgent care clinic ²	----	PB	----	----	----
Commercial Uses					
Retail store, up to 10,000 sq. ft. gross floor area	P	P	P	P	P
Retail store, over 10,000 sq. ft. gross floor area	PB	P	PB	P	PB

¹ Except that no multifamily dwellings shall be located within 200 feet of the Lafayette Road right-of-way line.

² Word added to distinguish large-scale health care facility from smaller medical office or clinic

Use	Subdistricts				
	LM	LM-A	LM-B	LM-C	LM-D
Restaurant with food service located entirely within the building or on a patio or outdoor seating area operated in connection with an indoor-service restaurant	P	P	P	P	P
Restaurant or other food service establishment with drive-through service	-----	PB	-----	PB	-----
Bakery, deli, coffee shop, ice cream shop, sandwich shop, or similar establishment preparing and selling foods for consumption off the premises; not including drive-through food service	P	PB ³	P	P	P
Fish, shellfish, food processing, and wholesale sale	----	-----	-----	P	-----
Bank	P	P	P	P	-----
Business or professional office, excluding medical office	P	P	P	P	P
Medical office or medical clinic	P	P	P	P	P
Hotel or motel	-----	P	PB	PB	-----
Personal service, such as a beauty salon or barber shop, dry cleaning and pressing or tailor shop	P	P	P	P	P
Bicycle shop, small appliance repair	P	-----	P	P	-----
Renting/leasing of vehicles, equipment, household, and functional supplies	----	PB	PB	PB	----
Commercial amusements, such as cinema or live theatre, video arcade, bowling alley	-----	PB	PB	PB	-----
Indoor recreation, such as a gym, indoor pool, tennis court	-----	P	P	P	-----
Self-Storage Facility	P	----	----	----	----
Gas station, no convenience store	-----	PB	-----	PB	-----
Gas station with convenience store	-----	PB	-----	PB	-----
Wholesale trade	-----	-----	-----	PB	-----
Large-scale solar photovoltaic installations	PB ⁴	-----	-----	-----	-----
On-site solar photovoltaic installations	PB	-----	PB	PB	-----
On-site wind energy facility	-----	-----	PB	PB	-----

³ Allowed by Special Permit if part of a larger development with other nonresidential uses, and the bakery, deli, coffee shop, etc., does not comprise more than 20 percent of the total gross floor area in the development.

⁴ All utilities shall be visually screened from Lafayette Road or Toll Road through any one or combination of the following: location, distance, plantings, or other buildings. Owner is responsible for visual screen on own property regardless of other circumstances in front of property. All other guidelines from Article XXII. Solar Photovoltaic Installations shall be administered.

300-161. Special Permits

- A. The Planning Board shall be the Special Permit Granting Authority for uses in the Lafayette-Main Commercial District.
- B. The Planning Board shall impose conditions in its decision as necessary to ensure compliance with the purposes of this Article XXIV. Approval of a project shall be conditioned to provide that no further division of land which increases the number of lots or units or results in any alteration of the area to be set aside as open space may occur without a modification of the Special Permit.

300-162. Mixed Residential Development (MRD) in Subdistrict LM-B

Mixed Residential Development (MRD) may be allowed in LM-B by Special Permit in accordance with this Section 300-162. The purpose of MRD is to provide for a mix of residential uses in order to create housing choices and promote compact neighborhoods within walking distance of goods and services, and limit site disturbance for environmental and economic reasons.⁵

- A. To be eligible for an MRD Special Permit, the proposed site shall be a tract of land with two or more acres and at least 50 feet of frontage on Lafayette Road. However, the Planning Board may waive the minimum frontage requirement if access to the MRD will be via a shared access drive with a commercial or mixed use development facing Lafayette Road. Such shared access shall be contingent upon an easement or other legally enforceable restriction recorded with the deed and approved by the Planning Board following review by Town Counsel.
- B. Each MRD shall include two classes of residential use: detached single-family dwellings and units in multifamily dwellings. Neither class of residential use shall comprise less than 30 percent of the total number of units in the development. In the instance of a fraction, the maximum number of units in a use class may be rounded up to the next whole number.
- C. No dwelling units in an MRD shall be located within 200 feet of the Lafayette Road right-of-way line.
- D. Open Space. At least 30 percent of the land in the MRD shall be open space protected in perpetuity under the provisions of this Article XXIV and M.G.L. c. 40A, Section 9. A portion of the open space in an MRD may be conveyed to the Town for recreational use, subject to approval by the Planning Board and Board of Selectmen. Such open space shall, to the maximum extent practical as determined by the Planning Board, conform to the requirements of Section 300-52 of this Bylaw. For an MRD served by public sewer, at least 50 percent of the site shall be protected open space.

⁵ Deleted: "Where application for an MRD Special Permit under this Section 300-162 is approved by the Planning Board, the approved MRD shall be deemed to satisfy the requirement for a Flexible Residential Development (FRD) Special Permit under Article X, if applicable." Sentence is unnecessary because FRD will not apply in the Lafayette-Main District.

- E. Net Developable Area. For purposes of determining the maximum amount of development that may be approved for an MRD, the following calculation of Net Developable Area shall apply:

Total site area (in acres) *minus* the sum of 50 percent of the wetlands area on the site, as determined by the Salisbury Conservation Commission; *minus* 10 percent of the site for roads and utilities. The net land available following application of this formula shall be the Net Developable Area of the site.

- F. Maximum Density. The maximum number of dwelling units in the MRD shall be determined as follows. Land counted toward one class of residential use shall not be counted toward any other class of use.

- (1) Detached single-family dwelling: one unit per ¼ acre of Net Developable Area.
- (2) Multifamily dwelling: six units per acre of Net Developable Area.

The above-listed standards shall be used only for the purpose of determining maximum gross density on an MRD site. They shall not be construed as minimum lot area requirements.

- G. Open Space Residential Cluster Design. To protect natural features of the land and encourage creative site planning, the Planning Board may reduce or waive the minimum lot frontage and minimum side and rear setback requirements in Section 300-163 for lots within the MRD if it determines that doing so will not derogate from the purposes of the Lafayette-Main Commercial District. Similarly, lot area for individual dwellings shall be determined by the Planning Board as part of the Special Permit process.

- H. Application for a Special Permit shall be in accordance with the Planning Board's rules and regulations. In addition, the Special Permit application shall include evidence that the proposed MRD has been designed in accordance with Section 300-48 and applicable design standards for Flexible Residential Development (FRD) adopted by the Planning Board under Section 300-53 of this Bylaw.

- I. Decision Criteria. The Planning Board may grant a Special Permit for an MRD after considering the following criteria:

- (1) Whether the MRD facilitates construction and maintenance of streets, housing, utilities, and public services in an economical manner;
- (2) Whether the MRD promotes permanent protection of open space and, where possible, provides for linkages with adjoining open space and recreation amenities;
- (3) Whether the MRD provides for a mix of housing and housing affordability;
- (4) Whether the proposed housing, landscaping, and streetscape are in harmony with the Town's architectural heritage and historic character; and

(5) Whether the MRD provides for safe pedestrian connectivity with nearby commercial and public uses.

J. Relationship to Subdivision Control. A subdivision is not required for an MRD, but an MRD that involves a subdivision shall be submitted to the Planning Board in accordance with the Planning Board’s Rules and Regulations of Subdivision Control. To the extent possible, the Planning Board will consider the Special Permit and subdivision plan together, simultaneously, if requested by the applicant, subject to the different review and decision periods established by state law.

300-163. Density and Dimensional Regulations

Except as provided in Section 300-162, no building or structure shall be built or shall any existing building or structure be enlarged except in conformance with the density and dimensional regulations set forth in this Section 300-163.

	Subdistricts				
	LM	LM-A	LM-B	LM-C	LM-D
Minimum Lot Area (acres)	1/2	2/3	1/2 ⁶	1/2	1/4 ⁷
Minimum Lot Frontage	100 feet	150 feet ⁸	100 feet	100 feet	100 feet
Minimum Front Setback ⁹	30 feet	30 feet	20 feet	20 feet	20 feet: nonresidential 30 feet: residential
Maximum Front Setback	50 feet	50 feet	40 feet	40 feet	40 feet
Minimum Side Setback	20 30	15 feet	15 feet	15 feet	10 feet
Minimum Rear Setback ¹⁰	20 feet	25 feet	20 feet	25 feet	20 feet
Maximum Building Height	35 feet	60 feet	45 feet ¹¹	45 feet	35 feet
Maximum Building Stories	---	4	3	3	2.5
For nonresidential uses only:					
Minimum Open Space % Lot Area ¹²	15%	15%	20%	10%	10%

⁶ Except that for a Mixed Residential Development (MRD) in LM-B, maximum density for residential uses shall be determined in accordance with Section 300-162.

⁷ One dwelling unit shall be allowed for every 10,000 square feet of Net Developable Area in LM-D.

⁸ Minimum lot frontage may be reduced to 100 feet in LM-A when two or more adjoining lots are served by a joint or cross-access service drive. Planning Board approval of joint or cross-access and associated reduction in frontage shall be contingent upon an easement recorded with the deed for the lot providing cross access and a declaration relinquishing access rights to the main road for adjoining lots served by the joint access drive once it is completed.

⁹ In its discretion, the Planning Board may grant a special permit to reduce the minimum front setback if it determines that strict compliance with this Section 300-163 is impractical due to physical or natural constraints on the lot and if such waiver will further the purposes of this Article XXIV.

¹⁰ For a commercial or mixed-use development in the LM-B Subdistrict, no nonresidential structure shall be located closer than 50 feet to an existing residential use, and in a Mixed Residential Development, no dwelling shall be closer than 50 feet to a nonresidential use or mixed-use structure.

¹¹ For detached single-family dwellings in LM-B, maximum building height shall be 35 feet.

300-164. Off-Street Parking and Loading.

- A. For purposes of this Article XXIV, an off-street parking space is an all-weather, surfaced area having a width of not less than nine (9) feet and a length of not less than eighteen (18) feet.
- B. Minimum Off-Street Parking Requirements. Development in the Lafayette-Main Commercial District shall provide off-street parking in accordance with the following schedule of parking spaces. Where fractional spaces result, the required number of parking spaces shall be construed to be the next highest whole number.
- (1) Residential uses: for a studio or one-bedroom dwelling unit, one parking space; for a dwelling unit with two or more bedrooms, two spaces.
 - (2) Bed and breakfast: 1 space per guest room plus two spaces for the owner-occupants of the residence.
 - (3) Retail uses: 3 spaces per 1,000 square feet of gross floor area, except that in a building with two or more commercial tenants, no parking shall be required for one individual retail store with less than 1,000 square feet of gross floor area.
 - (4) Restaurant: 1 space per four three seats or 1 space per 50 sq. ft. of public floor area (i.e., area reserved for actual consumption of food and beverages by the general public), whichever is greater.
 - (5) Personal service establishment: 1 space per 350 sq. ft. gross floor area.
 - (6) Professional or business office, bank or post office: 3 spaces per 1,000 sq. ft. gross floor area for first-floor offices, and 2 spaces per 1,000 sq. ft. gross floor area for upper-story offices.
 - (7) Medical office: 1 space per 200 sq. ft. gross floor area.
 - (8) Hotel or motel: 1 space per sleeping room, and 1 space for every 3 employees on the largest shift.
 - (9) For a use not specifically listed in this Section, the minimum required number of off-street parking spaces shall be as determined by the Building Inspector based on a listed use with similar characteristics of parking demand generation.
- C. Through Site Plan Review, the Planning Board may authorize a reduction in parking of up to 25 percent of the total required spaces for abutting properties with shared access and shared parking that is subject to a legally enforceable agreement or restriction.

¹² Open Space as defined in Section 300-82.3. At least 50 percent of the open space shall be landscaped open space located in front of or on the side of the building on the lot (or the building closest to the street, for lots with multiple buildings). The percentage of wetlands included in the open space shall not exceed the percentage of wetlands in the entire development site.

D. Location of Off-Street Parking. The following requirements shall apply to any new commercial or mixed-use building with more than 2,500 sq. ft. of gross floor area.

- (1) No off-street parking shall be located between the street sideline and the front façade of any new commercial or mixed-use building facing the street except by Special Permit from the Planning Board. The maximum number of spaces that may be allowed in front of the building shall not exceed 15 percent of the total number of spaces required for the proposed use(s) on the site or, in the case of an amendment to a Special Permit, not more than 15 percent of the total number of spaces required for existing and proposed uses combined. In granting a Special Permit hereunder, the Planning Board may authorize an increase in the maximum front yard setback to accommodate said parking, provided that the parking is screened from pedestrian and street views with appropriate building elements or landscaping features, such as a landscaped berm, or a combination thereof.
- (2) Parking for commercial uses or dwelling units above ground-floor commercial structures shall be located to the rear of the building or to the side, but no closer to the street than the front building line; or within a building at grade, accessible from the rear of the building, or under a building. Where parking is located behind buildings in a mixed-use development with additional buildings located to the rear of the site, a quadrangle effect should be created with parking, landscaping, and walkways.

E. Buffer Areas. Off-street parking shall be buffered from adjacent land uses, as follows:

- (1) Any off-street parking or storage area which abuts a Residential District shall be separated from the adjacent property by a ten (10) foot buffer area. The buffer shall be suitably landscaped and maintained so as to create an effective year-round visual screen at least six (6) feet in height in order to insulate the residentially zoned land from the off-street parking area.
- (2) At minimum, any off-street parking and loading area shall be separated from adjacent properties by a four (4) foot buffer area planted with grass or similar ground cover, or adjacent properties may be connected by a landscaped walkway. Where adjacent parcels agree to a joint or cross access drive and shared parking, the Planning Board may approve eliminating the minimum four (4) foot buffer on all common property lines. No buffer area shall be required for a one-family detached dwelling.
- (3) Landscaping. Off-street parking areas shall be landscaped in accordance with Planning Board rules and regulations.

300-165. Lafayette-Main Design Guidelines

The Planning Board shall adopt rules and regulations to administer this Article XXIV consistent with the provisions of Article XVIII, §300-118 (a) and (b) of this Bylaw. Such guidelines may include any or all of the following criteria:

- A. Building placement and orientation;
- B. Open space and natural features;
- C. Pedestrian, bicycle, and vehicular circulation;
- D. Water quality;
- E. Stormwater;
- F. Utilities, exterior lighting, parking, and snow removal;
- G. Trees (including removal of existing trees) and landscaping;
- H. Signage; and
- I. Safety.