

1. Adding under Section 3a Overlay Districts:

Town Center

An overlay district known as the Town Center District is hereby established. The Town Center District shall consist of those areas bounded and shown on a map entitled "Town Center District (TCD)" dated _____, incorporated in this Bylaw. The Town Center District will overlay and be supplementary to the underlying zoning districts.

2. Adding after Section 21, Commercial Telecommunications Towers, a new Section 22.

Section 22. Town Center District.

A. Introduction: The Town Center District (TCD) is an overlay district established to provide a comprehensive set of development criteria to be applied in Dunstable's town center to distinguish its unique qualities from other business areas within the town. These criteria are established for the continuance and enhancement of the historic town center area as the functional and symbolic center of Dunstable. The intent of this district is to allow owners of existing historical home sites to incorporate additional uses within principal or accessory buildings while maintaining the historic integrity of the structures, the site, and the town center area.

B. Purposes: The TCD is established to achieve the following objectives for the town: to maintain continuance and enhancement of the historical town center area; to generate a sense of pride and confidence in the preservation of history in the town center; to create and maintain an attractive and aesthetic cultural and business environment throughout the area; to maintain a consistently high level of design quality; to encourage pedestrian activity by creating a positive pedestrian experience; to protect property values through quality and design control; and to provide incentives for new and existing businesses in the town center area.

C. Uses Permitted by Special Permit: Uses permitted by Special Permit from the Planning Board in the TCD are:

1. Conversion of one-family dwellings to 2-family dwellings;
2. Authorization of multi-family dwellings existing at the time of adoption of this subsection;
3. Conversion of existing buildings to incorporate a multi-family arrangement on upper floors of commercial buildings, with the number of such dwelling units being limited to no more than two per floor;
4. Conversion of existing buildings to incorporate a gift or antique shop;
5. Conversion of existing buildings to Bed and Breakfast Establishments in accordance with the provisions of Section 6.7.8. of this Bylaw;

6. Conversion of existing buildings to include a restaurant or café (with no drive-up or drive-through service);
7. Conversion of existing buildings to government, educational, not-for-profit or religious facilities;
8. Conversion of existing buildings to incorporate a professional office;
9. Conversion of existing buildings to incorporate accessory apartments in single family residences, with the number of such dwelling units being limited to no more than two per floor;
10. With regards home occupations in the TCD, the provisions of Section 6.1.(g)v. shall apply, but the referral shall be to the Planning Board, which shall serve as the special permit granting authority for such uses in the TCD;
11. Museums, art galleries, art studios, performing arts theaters, and other similar cultural uses;
12. Agricultural cooperatives.

D. Requirements:

1. Any new construction in the TCD incidental to any Special Permit shall conform to the density and dimensional requirements in Section 11 of this Bylaw.
2. Applicants shall comply with the requirements for Site Plans as set forth in Section 14 of this Bylaw, provided that specific requirements of such Section may be waived by the Planning Board at the request of the applicant as long as the Board deems that such waiver will not impair the due and proper interests of the Town or otherwise adversely affect the review process.
3. The burden shall be upon any applicant to demonstrate that the building or buildings which is the subject of the Special Permit application was in existence at the time of adoption of this Section.

E. Bonus Provisions for Developments in the Town Center District: If a new project or change of use improves the business environment of the TCD by means of a donation to the Town public amenities such as parks, plazas, or public access to pre-existing public lands, or donations of substantial improvements on/to such public lands, the Planning Board may allow up to ten (10) percent reduction in the minimum lot area as part of the Special Permit process. Applicants for projects or uses not requiring a Special Permit may apply for a Special Permit to be eligible for the Bonus Provisions in this Section.

F. Criteria for Approval: In addition to the requirements of Section 16 of this Bylaw, Special Permit, and Section 14 of this Bylaw, Site Plan Approval (as applicable), a special permit in the TCD shall require that:

1. The appearance of the exterior of any existing building which is the subject to a Special Permit application under this Section shall not be

substantially changed as viewed from the street adjacent to the site in order to make possible the use applied for.

2. The use and any renovations shall be compatible with the architecture of the façade of the existing structure.

3. Any required parking for additional uses shall be located to the side or rear of the building.

3. Adding Section 6.7.12. the following:

“6.7.12. Town Center Uses, as set forth in Section 22 of this Bylaw.”

4. Amending Section 12 as follows:

12.2.1. General Provisions. No permit or special permit shall be issued, including a permit issued under a variance, for any use or construction, authorized under this Bylaw, for which a site plan is required to be filed, unless sufficient provision is made for off-street parking, loading, or storage of vehicles, the same to be incorporated in the site plan and in accordance with this Section and with rules and regulations of the site plan authority relative to parking. Information on the site plan in this connection shall include but not be limited to the following:

(a) the quantity, location and dimensions of all driveways, maneuvering spaces and aisles, parking spaces, storage areas, drainage facilities and landscaping;

(b) the location, size and type of materials for surfacing, curbing or wheel stops, trees, screening and lighting; -

(c) the location of all buildings and lot lines from which the parking lot must be set back.

12.2.2. Required Parking. In all districts, all uses, structures and facilities shall provide for parking, loading or the storage of vehicles according to the following ratios, unless any applicant can demonstrate in clear and convincing manner to the site plan authority that owing to circumstances particularly affecting the subject property or project, the reasonable purposes to be served under this Section can be satisfied alternatively:

(a) Dwellings: ~~One (1)~~ Two (2) parking space for each dwelling unit therein, ~~plus sufficient parking space provided to permit off-street parking either by employees or visitors.~~

(b) Places of public assembly: One (1) parking space for each ~~three~~ four (4) seats therein.

(c) Schools: ~~One~~ Two (2) parking spaces for each elementary or middle school classroom therein, four (4) for each high school classroom therein, ~~plus one (1) space for each two (2) employees or staff members other than teachers;~~ and, in addition to the above, where an auditorium is provided, one (1) space for each ~~three~~ four (4) seats therein.

(d) Hotels, motels and lodging houses: One (1) parking space for each room accommodation therein, one (1) space for each person employed on the largest shift, and loading spaces for all delivery trucks or sanitary collection vehicles.

(e) Eating placing serving food or drink: one (1) space per 3 seats, plus one (1) space for every one hundred (100) square feet of function space not designed for eating.

(ef) Other service establishments and retail businesses: The minimum required parking and loading spaces, excluding driveways, for these establishments shall be in proportion to at least one (1) parking space for each ~~one~~ three hundred forty (4300) square feet or fraction thereof of gross floor area, excluding basement storage area.

(fg) Establishments permitted only in the B-3 District: One (1) parking space for each person employed on the largest shift, plus one (1) space for each company owned or operated vehicle, plus spaces for customers' vehicles as appropriate, ~~and loading space for all delivery or shipping trucks.~~

(gh) Other uses requiring off-street parking and loading space: Spaces in accordance with anticipated needs as determined by the site plan authority.

(i) Multi-use parcels or buildings: Sum of the various uses computed separately.

(j) Any use permitted by this Bylaw and not covered by this schedule: Closest similar use as determined by the site plan authority.

(k) Loading areas: One or more off-street loading areas shall be provided for any business that may regularly be served by delivery vehicles. Loading areas shall be located at either side of rear of each building and shall be designed to avoid traffic conflicts with vehicles using the site or adjacent sites.

12.2.3 A decrease in the number of parking spaces required by this Section may be granted as a condition for the issuance of a Special Permit or a Site Plan Review provided that the following criteria have been met:

(a) The intent of this Section is preserved.

(b) The amount of off-street parking to be provided will be sufficient to serve the uses for which it was intended.

(c) The decrease in required off-street parking or creation of shared parking spaces is based on a parking study prepared by a registered professional engineer. Said study shall include, at a minimum, the following:

1. Size and type of uses or activities on site;
2. Composition of tenancy on site;
3. Rate of parking turnover;
4. Peak traffic loads to be encountered; and
5. Local parking habits.