



CITY OF NORWICH
CONNECTICUT

AGENDA – MEETING OF THE COUNCIL OF THE CITY OF NORWICH
February 8, 2021
7:30 PM

The meeting of the Council will seek to comply with the directives of Executive Order 7B-1 issued by Governor Ned Lamont on March 14, 2020, together with any Executive Orders subsequently issued which pertain to such meetings.

The Mayor, members of the City Council, the City Manager, City Clerk, Comptroller and Corporation Counsel shall be present in person but separated by appropriate social distancing at Council chambers or participate remotely by conference call, video conference or other technology.

The meeting shall be televised on the Public Access Channel and posted on the city website, www.norwichct.org, in real time, consistent with Executive Order 7B-1 and the usual practices of the City of Norwich. All remarks or comments made by the Mayor, the members of the Norwich City Council, city officials, and by the public during the Citizen Comment on resolutions and Public Hearings portion of the meeting, shall be included.

The comments of citizen on resolutions may be made telephonically pursuant to the following instructions:

Call phone number first dial 860-215-8140 and then when prompted, enter the conference ID# 4038191 followed by the pound (#) key.

This number will be available only during the public comment period listed on the agenda as Citizen Comment on resolutions and Public Hearings. Its use commences when Citizen Comment on resolutions and Public Hearings is reached and opened by the Mayor. Any calls must be made prior to the Mayor's announcement that the Citizen Comment on resolutions and Public Hearings period has ended.

Citizen Comments on resolutions limited to the resolutions on the agenda and Public Hearings may also be sent by email or means of other written communication stating the name, address and title if applicable, of the sender. Emails should be sent to the office of the Mayor at mayorsoffice@cityofnorwich.org and other written communication sent or delivered to the office of the Mayor, 100 Broadway, Norwich, CT 06360. Emails must be received by 7:00 p.m., of above mentioned date, and other written communications received by 4:30 p.m., of above mentioned date, to be made available to the City Council for this meeting.

Citizen comments and Public Hearings will be limited to the resolutions on the agenda only. All speakers taking part in the Citizen Comment on resolutions portion of the meeting shall clearly state their name, address and title, if applicable, before speaking and will be limited to three minutes.

PRAYER

PLEDGE OF ALLEGIANCE

ADOPTION OF MINUTES: January 4 and 19, 2021

PETITIONS AND COMMUNICATIONS

1. Communication from Appointment/reappointment Committee.
2. Communication from Kevin Saythany resigning from Community Development Advisory Committee
3. Communication from Kevin Saythany resigning from the Commission for Persons with Disabilities.
4. Annual report from the Commission for Persons with Disabilities.

CITY MANAGER'S REPORT

OLD BUSINESS-RESOLUTIONS

1. Relative to an appointment of an alternate member to the Personnel and Pension Board.

CITIZENS COMMENT ON RESOLUTIONS (only on the agenda items) call phone number first dial 860-215-8140 and then when prompted, enter the conference ID# 4038191 followed by the pound (#) key

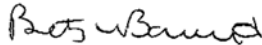
NEW BUSINESS-RESOLUTIONS

1. Relative to a reappointment to the Building Code Board of Appeals.
2. Relative to a reappointment and appointment as regular members to the Historic District Commission.
3. Relative to reappointments to the Community Development Advisory Committee.
4. Relative to reappointments to the Norwich Golf Course Authority.
5. Relative to an appointment to the Eastern Connecticut Regional Tourism District.
6. Relative to the agreement regarding 60 Sixth Street property.
7. Relative to a conveyance of easement/covenants regarding property located at 150, 158 and 162 Scotland Road.

NEW BUSINESS-ORDINANCE

1. AN ORDINANCE AMENDING CHAPTER 3 SPECIAL DISTRICTS BY ADDING SECTION 3.11 BUSINESS MASTER PLAN DISTRICT (BMPD) TO THE NORWICH ZONING REGULATIONS.

EXECUTIVE SESSION: 1. Property acquisition/disposition
2. Pending claims/litigation


City Clerk



January 20, 2021

TO: City Council of Norwich,
C/O Betsy Barrett, City Clerk

FROM: Mark Bettencourt, President Pro-Tempore
On Behalf of the Appoint/Reappoint Sub-Committee

SUBJECT: City Council Referral

On January 20, 2021 the committee took up the referral of the below resolution and interviewed Mr Pouch for the Personnel and Pension Board as an alternate member. By unanimous vote (3-0) the committee forwards a recommendation that the resolution be adopted.

BE IT RESOLVED that the below named be and hereby is appointed as an alternate member to the Personnel and Pension Board for a term to expire on March 1, 2022 or until a successor is appointed:

Robert F. Pouch (U)

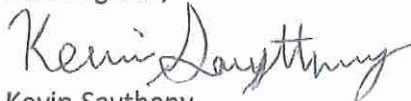
A handwritten signature in cursive script that reads "Mark M. Bettencourt".

Mark M. Bettencourt
President Pro-Tempore
On Behalf of the Appoint/Reappoint Sub-Committee

To the City Clerk, Betsy Barrett,

My reason for sending you this letter is because I will be resigning from **the Community Development Advisory Committee** effective immediately on **January 12, 2021**. Due to work commitments, I will be unable to fully fulfill my responsibilities on this committee. Thank you very much.

Best regards,



Kevin Saythany

TOWN CITY CLERK
NORWICH CT


2021 JAN 14 A 10:53

RECEIVED

To the City Clerk, Betsy Barrett,

My reason for sending you this letter is because I will be resigning from the **Commission for Persons with Disabilities** effective immediately on **January 12, 2021**. Due to work commitments, I will be unable to fully fulfill my responsibilities on this commission. Thank you very much.

Best regards,



Kevin Saythany

RECEIVED

2021 JAN 14 A 10:53

TOWN CITY CLERK
NORWICH CT

Norwich Commission for Persons with Disabilities
2020 Yearly Report

Although the pandemic severely truncated the work of the Commission in 2020, we did manage to accomplish some goals and maintain the cohesion of the group.

Guest Speakers:

In-person meetings were held in January, February, and March, before restrictions were implemented. Although requests for virtual meetings were submitted, the City permitted only one such meeting (in September). Because steps of many initiatives require votes, the limited number of meetings precluded most decision-making.

During the meetings early in the year, the Commission hosted two guest speakers. In February, Sergeant Nick Rankin, Supervisor of the Norwich Police Department Community Policing Unit, spoke about crime against people with disabilities. The invitation to Nick was generated by a newspaper article about a violent crime committed against a Norwich resident with a disability at the end of 2019. The second guest speaker, in March, was Tina Yeitz, a member of the Rose Arts Festival planning committee. Tina requested assistance from the Commission to create a more accessible environment at the next Festival, scheduled for June 2020. (That event, of course, was cancelled.)

Initiatives:

The Commission continued its advocacy to have accessible spaces restored in the re-paved lot of a Norwich shopping center on West Main Street. Although the Commission's work is generally limited to ADA Title II issues, we felt that the opportunity to effect enforcement of the Connecticut State Building Code by the City's Building Department was an appropriate agenda item. The owners of the lot finally complied with the City's requests/orders and installed excellent, well-marked accessible spaces, most likely in consultation with the Building Department. Thanks to Deanna Rhodes and her staff for this positive resolution.

On a very limited basis, the Commission continued its initiative, in conjunction with Chris Riley of NPU, to install in the City at least one outdoor charging station for motorized mobility equipment. That project will most likely regenerate once the Commission is able to meet again, either in person or virtually.

(Although an amenity rather than an ADA requirement, the installation of these stations would satisfy a demonstrated need in the community.)

An issue brought to the Commission's attention early in 2020 was the lack of an accessible bus stop at the drop-off on Town Street across from Stop and Shop. The Commission commenced advocacy on this issue, but the lack of opportunity to develop strategy at meetings resulted in a postponement of continued action.

Disability Awareness Week, 2020

At all four meetings held in 2020, some planning occurred for Disability Awareness Week, October 12 -16. The budget of \$1,200, which included a substantial expenditure for sign language interpretation, was approved at the September meeting and submitted to the Comptroller. * The week included three distanced activities: a Zoom presentation, hosted by Otis Library, on medical etiquette and people with disabilities, presented by Melissa Marshall; a radio segment on the Stu Bryer Show (WICH) featuring Nick Rankin addressing crime against people with disabilities; and a virtual Artreach poetry reading featuring work created by Artreach members.

Budget:

As an adequate balance (\$3,861.71 on December 31, 2020) was present in the Commission's account, the Commission did not request additional funding for 2021-2022.

Conclusion

As always, the Commission thanks the City of Norwich – the Mayor's Office, City Departments, and the Commission's liaison, Brigid Marks - for its continued support of the rights of people with disabilities.

Report submitted by Elanah Sherman, Commission Chair

* \$500 - Melissa Marshall Disability Policy Consulting (payment); \$200 - Artreach (honorarium); \$500 - Disabilities Network of Eastern Connecticut, Interpreting Service (payment)

**OLD BUSINESS
RESOLUTION #1**

BE IT RESOLVED that the below named be appointed as an **alternate member** to the Personnel & Pension Board with a term to expire on March 1, 2022 or until a successor is appointed:

Robert Pouch (U)

President Pro Tem Mark M. Bettencourt
Alderman Stacy Gould
Alderman Ella C. Myles

RESOLUTION #1

BE IT RESOLVED that the below named be re-appointed as a **regular member** to the Building Code Board of Appeals with a term to expire on January 7, 2022 or until a successor is appointed:

Robert Phoenix (D)

President Pro Tem Mark M. Bettencourt
Alderwoman Stacy Gould
Alderwoman Ella C. Myles

RESOLUTION #2

BE IT RESOLVED that the below named be re-appointed as a **regular member** to the Historic District Commission with a term to expire on December 31, 2025 or until a successor is appointed:

Regan Miner (U)

BE IT RESOLVED that the following be appointed as a **regular member** to the Historic District Commission for a term to expire on December 31, 2022 or until a successor is appointed;

Gregory Johnson (D)

President Pro Tem Mark M. Bettencourt
Alderman Stacy Gould
Alderman Ella C. Myles

RESOLUTION #3

BE IT RESOLVED that the following be re-appointed as **regular members** to the Community Development Advisory Committee for a term to expire on December 31, 2021 or until a successor is appointed;

Les B. King	(R)
Mark T. Marcy	(D)
Sean Barnes	(R)

BE IT RESOLVED that the following be re-appointed as **regular members** to the Community Development Advisory Committee for a term to expire on December 31, 2022 or until a successor is appointed;

H. Tucker Braddock Jr.	(D)
Gemma Fabris	(D)

President Pro Tem Mark M. Bettencourt
Alderman Stacy Gould
Alderman Ella C. Myles

RESOLUTION #4

BE IT RESOLVED that the below named be re-appointed as **regular members** to the Norwich Golf Course Authority with a term to expire on January 23, 2023 or until a successor is appointed:

Bernard Caulfield (D)
David DiBattista (D)
Michael E. Driscoll (D)
Susan Dutilly (D)
Raymond Lathrop (IT)
Robert Malouf (R)
Richard A. Podurgiel (D)
Richard Strouse (R)
Charles C. Whitty (D)

President Pro Tem Mark M. Bettencourt
Alderwoman Stacy Gould
Alderwoman Ella C. Myles

RESOLUTION #5

BE IT RESOLVED that the below named be appointed as a **regular member** to the Eastern Connecticut Regional Tourism District with a term to expire September 15, 2023.

Angela Adams

President Pro Tem Mark M. Bettencourt
Alderwoman Stacy Gould
Alderwoman Ella C. Myles

RESOLUTION #6

WHEREAS, the City of Norwich following a tax collector's sale involving the tax liens on the lists of October 1, 2009-October 1, 2014 acquired the property known as 60 Sixth Street, map 86 block 3 page 43 on June 6, 2016 by deed recorded at volume 2964 page 42 of the Norwich Land Records; and

WHEREAS, the Council of the City of Norwich by a resolution adopted September 6, 2016 appointed the 60 Sixth Street Committee to evaluate the condition of the property and make recommendations to the council as to a disposition of the same; and

WHEREAS, by subsequent resolutions the council accepted the committee's recommendation that an RFP process be used to select a preferred developer, appointed a 60 Sixth Street Committee of Sale to supervise this process, accepted the Committee of Sale's recommendation that JPW Building LLC be accepted as preferred developer subject to entering into a Development Agreement and authorized the city manager to enter into a Development Agreement with Mr. Jeff Warcholik, a principal at JPW Building LLC, on August 31, 2017 ("the "Developer"); and

WHEREAS, under the terms of the Development Agreement the project is complete, and the Certificate of Occupancy has been issued; and

WHEREAS, the Development Agreement provides for a conveyance of the property by quitclaim deed, but the Developer has raised concerns that this will not result in a sufficiently marketable title to permit the financing of the property or sale of the property and proposes to bring a quiet title action relative to the property; and

WHEREAS, the City and the Developer have negotiated an Agreement to include an assignment of tax liens arising from the lists of October 1, 2009-October 1, 2014 inclusive to the Developer, to arrange to have executed an Affidavit of Compliance with Tax Sale Procedures to be recorded on the Norwich Land Records by the city, to convey title from the city to the Developer or designee by quitclaim deed with conveyance tax statement, and provide to the Developer the sum of \$3,500 to be used in support of a quiet title action to be instituted by the Developer who shall bear any and all additional costs of the same, said funds to be non-refundable to the City of Norwich should the Developer choose not to institute such action, and the Developer shall provide a Release and such other documents as are reasonably requested by the City of Norwich under this Agreement.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH that City Manager John Salomone be and hereby is authorized and directed to enter into, execute, and deliver a quitclaim deed and conveyance tax statement as described herein, together with such other documents as are reasonably necessary to conclude the transfer of the property at 60 Sixth Street as described herein and to accept a Release satisfactory to him from the Developer.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH that the Council authorizes the payment of the non-refundable sum of \$3,500 to the Developer or designee for the institution of a quiet title action, including but not limited to additional title searches, location of heirs, and legal research, said funds to be taken from the Claims Account 10413900-58200, as well as, authorize the assignment of the tax liens on the Grand List of October 1, 2009 to October 1, 2014, inclusive to the Developer or designee for purposes of the quiet title litigation

Mayor Peter Albert Nystrom
President Pro Tem Mark M. Bettencourt
Alderwoman Stacy Gould

RESOLUTION #7

WHEREAS, the American Property Group LLC owns property located at 150, 158, and 162 Scotland Road which property has been approved for a three-lot subdivision by the Commission on the City Plan; and

WHEREAS, in connection with the approval of its subdivision application, the American Property Group LLC has agreed to convey a parcel of land consisting of approximately 1,181 square feet (.05 acres) to the City of Norwich to be part of the right-of-way of Scotland Road, the property to be conveyed more particularly described in Schedule A – Parcel Conveyed to the City of Norwich – attached to this resolution; and

WHEREAS, in connection with the approval of its subdivision application, the American Property Group, LLC has also agreed to enter into a Stone Wall Preservation Agreement and Declaration of Restrictive Covenants and to grant and convey to the City of Norwich a Conservation Easement and Declaration of Restrictive Covenants applicable to a portion of the property as more particularly described in Schedule B – Conservation Easement Area, attached to this resolution; and

WHEREAS, the Council of the City of Norwich finds it to be in the best interest of the City of Norwich to accept the conveyance of the described parcel to enter into the proposed Stone Wall Preservation Agreement and to accept the Conservation Easement.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH that City Manager John Salomone be and hereby is authorized and directed to accept and cause to be recorded a deed satisfactory to him and to Corporation Counsel conveying the property described in this resolution from the American Property Group, LLC to the City of Norwich for use in connection with the right-of-way of Scotland Road;

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH that City Manager John Salomone, on behalf of the City of Norwich is authorized and directed to enter into, accept, receive and cause to be recorded on the land records a Stone Wall Preservation Agreement and Declaration of Restrictive Covenants and a Conservation Easement and Declaration of Restrictive Covenants as described herein acceptable to him and the Corporation Counsel.

Mayor Peter Albert Nystrom
President Pro Tem Mark M. Bettencourt
Alderman Stacy Gould

**RESOLUTION #7
SCHEDULE A**

SCHEDULE A – PARCEL CONVEYED TO THE CITY OF NORWICH

A certain piece or parcel of land located westerly of Scotland Road in the City of Norwich, County of New London, State of Connecticut being more particularly shown on a certain survey map entitled “Lot Layout Scotland Road Subdivision Property Of American Property Group, LLC For Property Located At 158 Scotland Road City of Norwich – County of New London – Connecticut Sheet 3 of 4 Scale: 1”=40’ Date: October 13, 2020 Revised: 11-23-2020 by James Bernardo Land Surveying, LLC” said map to be recorded in the City of Norwich Land Evidence records. Said parcel being bounded and described as follows:

Beginning at point at the northeasterly corner of the within described parcel of land on the present westerly street line of Scotland Road at a concrete monument;

Thence running S 25°38'03" W along the present westerly street line of Scotland Road a distance of 415.44' to a point;

Thence running N 74°41'53" W a distance of 5.34' to a rebar with cap;

Thence running N 25°38'03" E along a line approximately 30' distant from, and parallel to, the centerline of Scotland Road a distance of 415.53' to a rebar with cap;

Thence running S 73°46'25" E a distance of 5.32' to the point and place of beginning,

Said parcel having an area of 2,181 square feet, 0.05 acres.

SCHEDULE B – CONSERVATION EASEMENT AREA

A certain piece or parcel of land located westerly of Scotland Road in the City of Norwich, County of New London, State of Connecticut being more particularly shown on a certain survey map entitled “Lot Layout Scotland Road Subdivision Property Of American Property Group, LLC For Property Located At 158 Scotland Road City of Norwich – County of New London – Connecticut Sheet 3 of 4 Scale: 1”=40’ Date: October 13, 2020 Revised: 11-23-2020 by James Bernardo Land Surveying, LLC” said map to be recorded in the City of Norwich Land Evidence records. Said parcel being bounded and described as follows:

Beginning at point at the northeasterly corner of the within described parcel of land at land now or formerly of Ravi & Manisha Prakash;

Thence running S 26°55'30" E across land of American Property Group, LLC a distance of 65.88' to a point of curvature ;

Thence with a curve turning to the right, an arc length of 24.64', a radius of 25.00', a chord bearing of S 01°18'30" W and a chord length of 23.65' across land of American Property Group, LLC to a point;

Thence running S 29°32'29" W a distance of 52.49' across land of American Property Group, LLC to a point;

Thence running S 60°08'13" W a distance of 24.67' across land of American Property Group, LLC to a point;

Thence running S 34°01'04" W across land of American Property Group, LLC a distance of 51.03' to a point;

Thence running S 06°36'08" E across land of American Property Group, LLC a distance of 33.20' to a point;

Thence running S 16°07'16" W across land of American Property Group, LLC a distance of 50.03' to a point;

Thence running S 40°41'44" W across land of American Property Group, LLC a distance of 21.06' to a point;

Thence running S 09°41'51" W across land of American Property Group, LLC a distance of 25.60' to a point;

Thence running S 20°48'34" E across land of American Property Group, LLC a distance of 63.38' to a point;

Thence running S 05°37'33" E across land of American Property Group, LLC a distance of 42.59' to a point on a stone wall;

Thence running N 74°08'29" W along a stone wall and land now or formerly of Lynn M. Norris a distance of 126.40' to a drill hole;

Thence running N 75°54'59" W along said stone wall and land of said Norris a distance of 51.23' to a stone wall intersection;

Thence running N 07°41'21" E along said stone wall and land now or formerly of Charles K. Norris a distance of 171.65' to a stone wall intersection;

Thence running N 11°17'15" E along said stone wall and land of said Charles K. Norris a distance of 35.79' to a stone wall intersection;

Thence running N 02°25'16" E along said stone wall and land of said Charles K. Norris a distance of 32.65' to an angle in said stone wall;

Thence running N 04°28'38" E along said stone wall and land of said Charles K. Norris and along land now or formerly of Ravi & Manisha Prakash a distance of 168.44' to an iron pipe in said stone wall;

Thence running S 75°16'13" E along land of said Prakash a distance of 144.60' to a point;

Thence running S 74°47'33" E along land of said Prakash a distance of 36.15' to the point and place of beginning.

Said parcel having an area of 69,203 square feet, 1.59 acres

NEW BUSINESS ORDINANCE #1

AN ORDINANCE AMENDING CHAPTER 3 SPECIAL DISTRICTS BY ADDING SECTION 3.11 BUSINESS MASTER PLAN DISTRICT (BMPD) TO THE NORWICH ZONING REGULATIONS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH THAT:

3.11 BUSINESS MASTER PLAN DISTRICT (BMPD)

3.11.1 Statement of Purpose

3.11.1.1 The City of Norwich recognizes that there exist properties located proximate to Interstate 395 and the Taftville-Occum area of the City which represent important opportunities for economic growth and community development. There may also be other areas in the City which may be identified from time to time which present such opportunities.

3.11.1.2 The City Council may establish a site specific BMPD for those properties suitable for the development of uses as permitted in a BMPD as set forth in these regulations. The BMPD is a floating zone governed by a Master Plan. The Master Plan will be subject to review and approval by the City Council, acting as the City's zoning authority, as a zone change, subject to a public hearing and the terms and conditions of these regulations. The Master Plan requires certain fluidity in order to accommodate market changes during the complete development of the property or properties comprising the BMPD, and as such may change over time. Any substantial and material changes shall be subject to the City Council's sole discretion and shall be subject to the same procedural and public hearing requirements as the original zone change adopting the BMPD. Any development on the zoned property will be subject to the specific BMPD requirements as set forth herein.

3.11.1.3 The BMPD is intended to encourage development of commercial parcels and permit new construction, renovation and/or adaptive re-use at these sites. The proposed uses and objectives are in conformity with and in furtherance of the goals and objectives contained in the Norwich Plan of Conservation and Development (POCD), and may include locations for advanced technology industries, research and development facilities, data centers, laboratories, or manufacturing, which will generate employment opportunities for the City. Factors to be considered by the City Council in approving a BMPD include:

- .1 That the location, uses and layout of the BMPD are in conformance with the general intent and the goals and objectives of the POCD.
- .2 That there will exist compatibility between the various uses that are proposed within the BMPD and also compatibility with neighboring land uses, taking into consideration the requirement and standards of these regulations.
- .3 That there will be a positive economic impact of the proposed BMPD to the City, including anticipated tax revenue, utility revenue and employment opportunities.

3.11.2 Establishment of District

3.11.2.1 The City Council shall establish the BMPD by approving a Master Plan, which while not intended to be a substitute for detailed requirements associated with a site plan, provides sufficient

information to determine whether the proposal is in conformance with Section 3.11.1. Such adoption shall constitute a zoning map amendment in accordance with Section 8.4 of these Regulations.

3.11.2.2 Additions and Alterations. Any substantial and material alterations to the Master Plan, including but not limited to changes which are beyond the authority of the Commission of the City Plan under Chapter 7 of these Regulation, must comply with the criteria established in Section 3.11.1, and must be approved by the City Council in its sole discretion.

3.11.2.3 District Expiration. Approval of the zone change under this BMPD shall be void, without any further action of the City Council and the property shall automatically return to its prior zoning designation, unless a site plan for one or more sites in the BMPD is approved within 5 years of the zone change approval. The City Council may grant one or more extensions of this period prior to expiration upon written request of the applicant, but in no event will the extensions exceed 5 additional years.

3.11.3 Master Plan

The purpose of the submission of a Master Plan is to determine whether the proposed uses and layout conform to Section 3.11.1, 3.11.5 and the POCD. The Master Plan, once adopted for a particular property or properties (the "Site") shall establish the dimensional characteristics of the BMPD and its uses. All elements of the Master Plan shall be prepared to provide a conceptual plan for the overall development of the BMPD. The Master Plan shall include:

3.11.3.1 Master Plan narrative demonstrating the Master Plan's consistency with the purpose of the BMPD, and the policies, goals and objectives of the POCD.

3.11.3.2 Existing Conditions Plan, showing site conditions and structures, including wetlands, watercourses, special flood hazard areas, existing topography with 5-foot contours showing the general gradient of the site, existing roads and rights of way, easements, boundary survey and location map, which, along with other surveys and plans listed below, shall be at a scale of 1 inch = 100 feet or larger prepared by a Connecticut licensed architect, landscape architect, surveyor or engineer (collectively the "Consultants").

3.11.3.3 A description of the existing uses of the Properties and their present location prepared by the applicant and its Consultants.

3.11.3.4 Conceptual plan indicating structures to be retained, substantially rehabilitated or demolished; general location of new structures to be built on the Properties; proposed roadways; parking areas; vehicular and pedestrian circulation; and any areas to be landscaped or dedicated to public use or open space. This plan shall be prepared by one or more of the applicant's Consultants, as applicable, and provide sufficient information to review the proposal.

3.11.3.5 A description of any proposed new uses or change in uses and their proposed location on the site by the applicant and/or its Consultants.

3.11.3.6 A preliminary traffic analysis detailing the impact of the proposed development taking into account the most intensive uses permitted in the BMPD; and including in the conceptual plan and the measures necessary to mitigate those impacts, if necessary.

3.11.4 Site Plan

3.11.4.1 After Master Plan approval and establishment of the zone by the City Council, each development site must apply for site plan approval to the Commission on the City Plan (“Commission”), following the requirements of Chapter 7 of these Regulations. The implementation of the Master Plan may be phased by the filing of multiple site plan applications.

3.11.5 Design Standards. The following design standards shall apply to the BMPD:

3.11.5.1 Area and Bulk Requirements. Existing structures located within the BMPD are deemed to be conforming in terms of any encroachments on maximum height, maximum lot coverage, etc.

(i) Minimum district size: A minimum of 200 acres of contiguous land in one or more parcels under common ownership or other ownership arrangement satisfactory to the City Council acting as the zoning authority in its discretion; and

(ii) Road frontage along any arterial road or direct access to and from an arterial road via a public road and/or private right of way;

(iii) Serviced by adequate underground public utilities or be capable of being serviced by the same or by the provision of sufficient on site facilities to be constructed.

(iv) Minimum front yard: 0

(v) Minimum side yard: 0

(vi) Minimum rear yard: 0

(vii) Maximum building height: such height as approved on the Master Plan.

3.11.5.2 Architectural Design. All new construction shall be designed to provide a high quality appearance consistent with contemporary standards and all selected materials shall be durable with subtle colors and uniform treatment.

3.11.5.3 Signage. A sign plan evidencing unified signage for the BMPD, including the general position, size and appearance of signs visible from any public right of way shall be included in the Master Plan application and shall be approved by the City Council.

3.11.5.4 Parking. On site parking areas shall be adequate for the uses proposed. The Master Plan shall establish parking standards, with parking located on site to the extent feasible, without excessive impervious coverage. Parking area design should maximize landscaping. Stormwater management shall be designed to handle anticipated run-off without creating negative impacts on adjacent properties or natural resources.

3.11.5.5 Lighting. All site lighting shall be designed with full cut-off fixtures and facing in a general downward direction to shield and reduce glare.

3.11.5.6 Permitted Uses. Permitted uses shall be established by the Master Plan.

.1 Professional and contractor offices

.2 Research and development facilities

- .3 Computer software and hardware development
- .4 Data Centers
- .5 Logistic Centers
- .6 Laboratories – no onsite patient visits permitted
- .7 Manufacturing
- .8 Power generation facilities and utilities
- .9 Truck Stop with associated retail sales, subject to approval of location within the BMPD
- .10 Other uses as permitted in the underlying zone in which the BMPD is located when specifically identified at the time of the BMPD application

3.11.5.7 Prohibited uses. The following uses are prohibited in the BMPD

- .1 Outdoor storage of raw or finished materials as a principal use (more than 50% of the building footprint)
- .2 Junk or salvage yards
- .3 Gasoline filling stations, except the permitted use Truck Stop
- .4 Vehicle sales, leasing and renting
- .5 Auto repair, storage, maintenance and paint shops
- .6 Retail sales except associated with permitted use Truck Stop
- .7 Residential uses
- .8 Landscaping and construction laydown area
- .9 Self-Storage facilities

3.11.5.8 Buffers. The purpose of buffer areas is to provide privacy from noise, light glare and visual intrusion to residential dwellings in all locations where uses within the BMPD abut a residential district exterior to the BMPD. The city council will carefully analyze any buffers between the BMPD and surrounding residential neighborhoods and may tailor standard buffers to include enhanced, landscaping, fences, walls and earthen landscaped berms, with due consideration for the relative heights of the uses on each side of the buffer.

.1 Standard Buffers. Unless otherwise approved in the Master Plan, buffers for uses within the BMPD shall be established and maintained as 25 feet with 10 feet of screening from the adjoining residential zone and/or any additional buffer requirements as determined by the City Council.

.2 Buffers may only be reduced from those established under Section 3.11.5.8.1 in the event such reduction is compatible with the objectives of Section 3.11.1. When reduction of buffers under Section 3.11.5.8.1 is allowed, the City Council shall require buffers meeting the standards of Section 13.11.5.8. The City Council, in the exercise of its discretion may require buffers of such size, type and material as it deems reasonably necessary to protect adjacent properties or important natural resources.

.3 The following accessory uses may be allowed within buffer areas, provided they are adequately screened from residential properties: access roads, pedestrian sidewalks, utilities, mailboxes and approved signs.

Mayor Peter A. Nystrom
President Pro Tem Mark M. Bettencourt
Aldерwoman Stacy Gould