

**ARTICLE xx
DISTRICTS**

AMEND ZONING BY-LAW – PLANNED DEVELOPMENT

To see if the Town will vote to amend the Zoning By-Law and Zoning Map to simplify the standards, processes, and terminology for planned development districts, or act in any other manner in relation thereto.

(Inserted at the request of the Planning Board)

DESCRIPTION: This article would make several changes to processes related to Planned Development, including:

- 1) Replacing the current RD and CD district types with a single district type with no predetermined standards (like the current CD);
- 2) Using normal Town Meeting processes for zoning changes involving planned development districts rather than special rules;
- 3) Using the site plan review process to review final plans rather than the special permit process; and
- 4) Renaming existing RD and CD districts.

2.2.3 Planned Development Districts

PD	Planned Development
RD	Planned Residential Development
CD	Planned Commercial Development

7.3 PLANNED DEVELOPMENT DISTRICTS.

7.3.1 Purpose. A planned development (PD) district is intended to:

- 1. Permit considerable flexibility in the development of tracts of land by requiring few predetermined standards;
- 2. Permit a developer to propose, and for the Town to vote on, a site development and use plan unique to a particular location;
- 3. Permit the use of development standards more detailed than the more general standards elsewhere in this bylaw; and
- 4. Provide information for the Town to evaluate the potential impacts of a proposed development and to enable the SPGATown to require adherence to such site development plans in the granting of a special permit; and.
- 5. ~~Permit conversion of municipal buildings and the development of land on which they are situated and of surplus municipal land in a manner which:~~**
 - ~~a. Encourages practical residential development in the reuse of existing structures;~~
 - ~~b. Is compatible with the adjacent neighborhood;~~
 - ~~c. Encourages development of economically priced housing and a variety of types of housing; and~~
- 6. ~~Fosters flexibility and creativity in the disposition of surplus municipal property.~~**

~~7.3.2 Planned Commercial Development District (CD).~~

- ~~1. Standards for development. A CD-District does not have predetermined standards for development. Such standards are to be proposed by the developer, included in the preliminary site development and use plan and approved by the Town Meeting.~~
- ~~2. Uses permitted. Any uses may be permitted in a CD-District if they are clearly identified in the preliminary site development and use plan approved by the Town Meeting.~~
- ~~3. SPGA. The Board of Appeals shall be the special permit granting authority.~~

7.3.3 Planned Residential Development District (RD):

1. Standards for development. Development in a RD District is subject to both the standards below and any additional standards proposed by the developer and included in the preliminary site development and use plan and approved by the Town Meeting.
 - a. Minimum area of tract to be developed: 125,000 square feet.
 - b. Minimum frontage of the tract on an existing street: 100 feet.
 - c. Minimum yard setback on perimeter of tract:
 - i. Front yard: 50 feet.
 - ii. Side yard, rear yard: 40 feet.
 - d. Maximum site coverage: 25%.
 - e. Maximum impervious surface ratio: 0.40.
 - f. Minimum common open space as percentage of developable site area: 10%.
 - g. Maximum height of building: 40 feet.
 - h. Maximum number of stories for public and institutional buildings: 2.5.
2. Development of more than 20 acres with redevelopment. In a RD District in which the area of the tract to be developed is not less than 20 acres and the planned residential development involves the redevelopment of existing structures, wherein not less than 25% of such existing structures shall be retained or rehabilitated, the standards above shall be modified as follows:
 - a. Minimum yard setback on the perimeter of the tract:
 - i. Front yard: eight feet;
 - ii. Side yard, rear yard: 30 feet.
 - b. Maximum impervious surface ratio: 0.55.
 - c. Maximum height of building: 60 feet.
3. Where there are more than 20 dwelling units in a RD District served by a dead-end street or dead-end interior drive, two means of access connected to the public street system, suitable for fire fighting, medical and other emergency vehicles, shall be provided to each dwelling or dwelling unit. One means of access shall be a street or interior drive that complies with the standards for streets and rights-of-way set forth in the Subdivision Regulations. If not another street, the second means of access may be a paved way, subject to the approval of the Fire Chief, that:
 - a. Is at least 10 feet wide, and constructed in a manner suitable for fire fighting equipment;
 - b. Has provision for snow removal and other maintenance to assure year-round access; and
 - c. May have a gate or other barrier to restrict general motor vehicle traffic, provided there is an easy means of opening such gate or barrier for emergency vehicles.
4. Residential uses. Any residential use may be permitted in a RD District, if it is clearly identified in the preliminary site development and use plan approved by the Town Meeting.
5. Nonresidential uses. An RD District may permit commercial uses, provided:
 - a. Such uses serve primarily the residents of the development;
 - b. Such uses are conducted within and may be entered only from within a principal building;
 - c. There is no external evidence of such uses visible beyond the development tract; and

- d. ~~The appearance and character of the commercial uses are compatible with a residential development.~~

~~SPGA. The Board of Appeals shall be the special permit granting authority.~~

7.3.4 Conversion of Municipal Buildings and Surplus Municipal Land. ~~The conversion of a municipal building or the development of surplus municipal land in a RD District shall be subject to the same standards and follow the same procedures as other RD Districts with the following exceptions:~~

1. ~~The minimum area of the tract to be developed may be less than 125,000 square feet;~~
2. ~~The minimum frontage of the tract on an existing street may be less than 100 feet; and~~

~~The Board of Selectmen shall be the special permit granting authority.~~

7.3.25 Provisions Applicable to Planned Development PD Districts.

1. Standards for development. A PD District does not have predetermined standards for development. Such standards are to be proposed by the developer, included in the preliminary site development and use plan and approved by Town Meeting.
2. Uses permitted. Any uses may be permitted in a PD District if they are clearly identified in the preliminary site development and use plan approved by Town Meeting.
3. Compliance required. No use is permitted and no development may occur in a Planned Development PD District except in substantial conformity with a preliminary site development and use plan approved by Town Meeting, the provisions of this section and a special permit granted by the SPGA site plan review under section 9.5. In no case may the use or development be inconsistent with the text of the preliminary site development and use plan.
4. Filings. Each petition presented to the Town Meeting for rezoning land to a Planned Development PD District shall include a preliminary site development and use plan describing the proposed zoning provisions and development plan as described in the Planning Board's rules and regulations. Two copies of the preliminary site development and use plan which accompanies a petition for a rezoning shall be filed with the Town Clerk and one copy with the Planning Board at least three weeks prior to the Planning Board public hearing required to be held under MGL c. 40A. Subsequent to that public hearing, revisions to the preliminary site development and use plan may be filed with the Town Clerk and the Planning Board and must be filed at least seven days prior to the first session of the Town Meeting. The vote of the Town Meeting shall refer to the preliminary site development and use plan and it shall be considered part of the rezoning action.
5. Amendments to plan. ~~After the filing of the preliminary site development and use plan which accompanies a petition for a rezoning, the Town Meeting shall not take favorable action on a proposed amendment to the preliminary site development and use plan unless:~~
 - a. ~~At least seven days prior to the vote of the Town Meeting on the petition the Town Meeting member proposing such amendment has filed a copy of the proposed amendment with the Town Clerk and the Planning Board; and has sent a copy of the proposed amendment by registered mail to the petitioner.~~
 - b. ~~The Moderator shall determine that the proposed amendment is within the scope of the petition and the preliminary site development and use plan most recently filed as provided herein; and~~

- ~~6. At least 2/3 of the Town Meeting vote favorably on the proposed amendment.~~
7. Previous amendments. The preliminary site development and use plan for an existing ~~PD~~planned development district that was approved by an earlier Town Meeting may be amended. The proposed amendments shall be presented and acted upon in the same manner set forth in this section for an original petition.
8. Application for ~~special permits~~site plan review. The application for ~~a special permit~~site plan review under this section shall be accompanied by:
 9. ~~A~~a copy, certified by the Town Clerk, of the preliminary site development and use plan approved by the Town Meeting.
 - a. ~~A definitive site development and use plan as described in the Planning Board's rules and regulations.~~
10. ~~Conditions. The SPGA may grant a special permit for the development of a tract of land in the CD or RD District subject to the following provisions:~~
 - a. ~~The SPGA makes a determination that the development conforms substantially to the preliminary site development and use plan approved by the Town Meeting and is consistent with the considerations set forth in § 9.4.2;~~
 - b. ~~The special permit incorporates, by reference, the definitive site development and use plan filed with the application;~~
 - c. ~~The special permit may allow any or all of the uses specified in the plan approved by Town Meeting but no others;~~
 - d. ~~The SPGA may, in its discretion, permit revisions from the preliminary site development and use plan approved by Town Meeting provided they do not conflict with the provisions of the text of such plan. Such revisions shall generally be limited to the location of the buildings and changes in the site plan;~~
 - e. ~~The special permit shall require that any land designated as common open space on the approved plan shall be either conveyed to the Town or protected by an easement granted to the Town; and~~
 - f. ~~The special permit may contain such additional conditions as the SPGA finds will serve the public interest.~~
11. ~~Denial. The SPGA may deny an application for a special permit and base its denial upon a finding that the proposed development does not conform substantially to the plans for the commercial or residential development of the tract as approved by the Town Meeting.~~
12. Revision of special permit and changes of use or site development plans. After the grant of a special permit, minor revisions may be made from time to time in accordance with applicable laws, bylaws, and regulations, but the development approved under such special permit shall conform substantially to the preliminary site development and use plan approved by the Town Meeting. If the SPGA determines such revisions to be major, it must order that an application for a revised special permit be filed and a public hearing held in the same manner as set forth in § 9.4.2. Changes in uses or substantial changes in the site development plan approved by Town Meeting may be made only after approval by Town Meeting of a new site development and use plan according to the procedures used for a zoning amendment, followed by the issuance of a special permit based on the new approved plan.

NOTE: we need to pay special attention to how we handle 9.4.1.2 (BOS as SPGA for municipal RD) as part of this.