

**PROPOSED NEW SECTION 580: Greenbush/Driftway Smart Growth
Overlay District (GDRSGOD)
1/8/2015**

580.1 PURPOSE

The purpose of this Section 580 is to establish a Greenbush/Driftway Smart Growth Overlay District, to encourage smart growth in accordance with the purposes of G. L. Chapter 40R.

580.2 DEFINITIONS

For purposes of this Section 580, the following definitions shall apply. All capitalized terms shall be defined in accordance with the definitions established under the Enabling Laws or Section 580.2, or as set forth in the Plan Approval Authority (PAA) Regulations. To the extent that there is any conflict between the definitions set forth in Section 580.2 or the PAA Regulations and the Enabling Laws, the terms of the Enabling Laws shall govern.

Administering Agency

The local housing authority or other qualified housing entity designated by the PAA, pursuant to Section 580.6 B., to review and implement the Affordability requirements affecting Projects under Section 580.6.

Affordable Homeownership Unit

An Affordable Housing unit required to be sold to an Eligible Household.

Affordable Housing

Housing that is affordable to and occupied by Eligible Households.

Affordable Housing Restriction

A deed restriction of Affordable Housing meeting statutory requirements in G.L. Chapter 184, Section 31 and the requirements of Section 580.6 F. of this Bylaw.

Affordable Rental Unit

An Affordable Housing unit required to be rented to an Eligible Household.

Applicant

The individual or entity that submits a Project for Plan Approval.

As-of-right

A use allowed under Section 580.5 without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. A Project that requires Plan Approval by the PAA pursuant to Section 580.9 through 580.13 shall be considered an as-of-right Project.

Department or DHCD

The Massachusetts Department of Housing and Community Development.

Design Standards

The provisions of Section 580.14 and design standard provisions of the PAA Regulations, made applicable to Projects within the GDRSGOD that are subject to the Plan Approval process.

Developable Land

The “Developable Land,” as the term is defined in 760 CMR 59.00, is available for development within the GGDRSGOD. Developable Land shall not include:

1. Substantially Developed Land;
2. Open Space;
3. Future Open Space;
4. The rights-of-way of existing public streets, ways and transit lines;
5. Land currently in use for governmental functions (except to the extent that such land qualifies as Underutilized Land); or
6. Areas exceeding one-half acre of contiguous land that are:
 - a. protected wetland resources (including buffer zones) under federal, state or local laws;
 - b. rare species habitat designated under federal or state law;
 - c. characterized by steep slopes with an average gradient of at least fifteen percent; or
 - d. subject to any other local ordinance, bylaw or regulation that would prevent the development of residential projects at the as-of-right density set forth in the Smart Growth Zoning.

Eligible Household

An individual or household whose annual income is less than 80 percent of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD’s rules for attribution of income to assets.

Enabling Laws

G.L. Chapter 40R and 760 CMR 59.00.

GDRSGOD

The Greenbush/Driftway Smart Growth Overlay District established in accordance with this Section 580.

Mixed-Use Development Project

A Project containing a mix of residential uses and nonresidential uses, as allowed in Section 580.5, and subject to all applicable provisions of this Section 580.

PAA Regulations

The rules and regulations of the PAA adopted pursuant to Section 580.9 C.

Plan Approval

Standards and procedures which Projects in the GDRSGOD must meet pursuant to Sections 580.9 through 580.13 and the Enabling Laws.

Plan Approval Authority (PAA)

For purposes of reviewing Project applications and issuing Plan Approval on Projects within the GDRSGOD, the Plan Approval Authority (PAA), consistent with G.L. c. 40R and 760 CMR 59.00, shall be the Planning Board. The PAA is authorized to review projects and issue Plan Approval to implement a Project under G.L. c. 40R, § 11.

Project

A Mixed-Use Development Project undertaken within the GDRSGOD in accordance with the requirements of this Section 580.

Zoning Bylaw

The Zoning Bylaw of the Town of Scituate as said bylaw may from time to time be amended.

580.3 OVERLAY DISTRICT

Establishment. The Greenbush/Driftway Smart Growth Overlay District, hereinafter referred to as the “GDRSGOD,” is an overlay district having a land area of approximately 47 acres in size that is superimposed over the underlying zoning districts and is shown on the Zoning Map as set forth on the map entitled Greenbush/Driftway Smart Growth Overlay District, dated December, 2014, prepared by Metropolitan Area Planning Council. This map is hereby made a part of the Zoning By-law and is on file in the Office of the Town Clerk.

580.4 APPLICABILITY OF GDRSGOD

- A. Applicability of GDRSGOD.** An applicant may seek development of a Project located within the GDRSGOD in accordance with the provisions of the Enabling Laws and this Section 580, including a request for Plan Approval by the PAA, if necessary. In such case, notwithstanding anything to the contrary in the Zoning Bylaw, such application shall not be subject to any other provisions of the Zoning Bylaw, including limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to other building permit or dwelling unit limitations.
- B. Underlying Zoning.** The GDRSGOD is an overlay district superimposed on all underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s) shall remain in full force, except for those Projects undergoing development pursuant to this Section 580. Within the boundaries of the GDRSGOD, a developer may elect either to develop a Project in accordance with the requirements of the Smart Growth Zoning, or to develop a project in accordance with requirements of the regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s).
- C. Administration, Enforcement, and Appeals.** The provisions of this Section 580 shall be administered by the Building Commissioner, except as otherwise provided herein. Any legal appeal arising out of a Plan Approval decision by the PAA under Sections 580.9 through 580.13 shall be governed by the applicable provisions of G. L. Chapter 40R. Any other request for enforcement or appeal arising under this Section 580 shall be governed by the applicable provisions of G. L. Chapter 40A.

580.5 PERMITTED USES

The following uses are permitted as-of-right for Projects within the GDRSGOD:

- A. Mixed-use Development Projects.** A Mixed-use Development Project within the GDRSGOD may include:
1. Single-family, two-family, three-family or multifamily Residential Use(s), provided that the minimum allowable as-of-right density requirements for residential use specified in Section 580.7 A. shall apply to the residential portion of any Mixed-use Development Project;

2. Any of the following Non-residential uses: Any use listed in Section 420 Table of Use Regulations, 3. Commercial Uses, with the exception of Salesroom for automobiles, boats, trailers, trucks, machinery or farm implements and their accessories.
3. Parking accessory to any of the above permitted uses, including surface, garage under, and structured parking (e.g., parking garages); and
4. Accessory uses customarily incidental to any of the above permitted uses.

The total gross floor area devoted to Non-residential uses within a Mixed-use Development Project shall not exceed 50% of the total gross floor area of the Project.

B. Other Uses. Any use allowed by right by the underlying zoning district shall be allowed by right. Any mixed use development shall be allowed by Plan Approval.

580.6 HOUSING AND HOUSING AFFORDABILITY

A. Number of Affordable Housing Units. For all Projects containing at least 13 residential units, not less than twenty percent (20%) of housing units constructed shall be Affordable Housing. For purposes of calculating the number of units of Affordable Housing required within a Project, any fractional unit of 0.5 or greater shall be deemed to constitute a whole unit. A Project shall not be segmented to evade the Affordability threshold set forth above.

B. Administering Agency. An administering agency which may be the local housing authority or other qualified housing entity (the "Administering Agency") shall be designated by the PAA. In a case where the Administering Agency cannot adequately carry out its administrative duties, upon certification of this fact by the designating official or by DHCD such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the designating official or, in the absence of such timely designation, by an entity designated by the DHCD. In any event, such Administering Agency shall ensure the following, both prior to issuance of a Building Permit for a Project within the GDRSGOD, and on a continuing basis thereafter, as the case may be:

1. Prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;
2. Income eligibility of households applying for Affordable Housing is properly and reliably determined;
3. The housing marketing and resident selection plan conform to all requirements and are properly administered;
4. Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given; and
5. Affordable Housing Restrictions meeting the requirements of this section are recorded with the proper registry of deeds.

C. Submission Requirements. As part of any application for Plan Approval for a Project within the GDRSGOD submitted under Sections 580.9 through 580.13 (or, for Projects not requiring Plan Approval, prior to submission of any application for a Building Permit), the Applicant must submit the following documents to the PAA and the Administering Agency:

1. Evidence that the Project complies with the cost and eligibility requirements of Section 580.6 D.;
2. Project plans that demonstrate compliance with the requirements of this Section 580.6 C. and Section 580.6 E.; and
3. A form of Affordable Housing Restriction that satisfies the requirements of Section 580.6 F.

These documents in combination, to be submitted with an application for Plan Approval (or, for Projects not requiring Plan Approval, prior to submission of any application for a Building Permit), shall include details about construction related to the provision, within the development, of units that are accessible to the disabled.

D. Cost and Eligibility Requirements. Affordable Housing shall comply with the following requirements:

1. Affordable Housing required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.
2. For an Affordable Rental Unit, the monthly rent payment, including utilities and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless other affordable program rent limits approved by the DHCD shall apply.
3. For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one.

Prior to the granting of any Building Permit or Plan Approval for a Project, the Applicant must demonstrate, to the satisfaction of the Administering Agency, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to Scituate.

E. Design and Construction. Units of Affordable Housing shall be finished housing units. Units of Affordable Housing shall be dispersed throughout the Project of which they are part and be comparable in initial construction quality and exterior design to the other housing units in the Project. The total number of bedrooms in the Affordable Housing shall, insofar as practicable, be proportionate to the total number of bedrooms in all units in the Project of which the Affordable Housing is part.

F. Affordable Housing Restriction. Each Project shall be subject to an Affordable Housing Restriction which is recorded with the appropriate registry of deeds or district registry of the Land Court and which contains the following:

1. Specification of the term of the affordable housing restriction which shall be no less than thirty years;
2. The name and address of the Administering Agency with a designation of its power to monitor and enforce the affordable housing restriction;
3. A description of the Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of Affordable Rental Units in a Project

or portion of a Project which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental Project or the rental portion of a Project without specific unit identification.

4. Reference to a housing marketing and resident selection plan, to which the Affordable Housing is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. The housing marketing and selection plan may provide for preferences in resident selection to the extent consistent with applicable law; the plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that the preference for such Unit shall be given to a household of the appropriate size;
5. A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan;
6. Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership will be set;
7. Designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions, provided that a first mortgage of a Homeownership Housing Unit to a commercial lender in an amount less than maximum resale price may have priority over the Affordable Housing Restriction if required by then current practice of commercial mortgage lenders;
8. A requirement that only an Eligible Household may reside in Affordable Housing and that notice of any lease of any Affordable Rental Unit shall be given to the Administering Agency;
9. Provision for effective monitoring and enforcement of the terms and provisions of the affordable housing restriction by the Administering Agency;
10. Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Administering Agency and/or the municipality, in a form approved by municipal counsel, and shall limit initial sale and re-sale to and occupancy by an Eligible Household;
11. Provision that the restriction on Affordable Rental Units in a rental Project or rental portion of a Project shall run with the rental Project or rental portion of a Project and shall run in favor of the Administering Agency and/or the municipality, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;
12. Provision that the owner(s) or manager(s) of Affordable Rental Unit(s) shall file an annual report to the Administering Agency, in a form specified by that agency certifying compliance with the Affordability provisions of this Bylaw and containing such other information as may be reasonably requested in order to ensure affordability; and
13. A requirement that residents in Affordable Housing provide such information as the Administering Agency may reasonably request in order to ensure affordability.

G. Costs of Housing Marketing and Selection Plan. The housing marketing and selection plan may make provision for payment by the Project applicant of reasonable costs to the Administering Agency to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements. Such payment shall not exceed one-half (1/2%) percent of the amount of rents of Affordable

Rental Units (payable annually) or one (1%) percent of the sale or resale prices of Affordable Homeownership Units (payable upon each such sale or resale), as applicable.

- H. Age Restrictions.** Nothing in this Section 580 shall permit the imposition of restrictions on age upon all Projects throughout the entire GDRSGOD. However, the Administering Agency may, in its review of a submission under Section 580.6 C., allow a specific Project within the GDRSGOD designated exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such Project shall be in compliance with all applicable fair housing laws and not less than twenty-five percent (25%) of the housing units in such a restricted Project shall be restricted as Affordable units. Any Project which includes age restricted residential units shall comply with applicable federal, state and local fair housing laws and regulations.
- I. Phasing.** For any Project that is approved and developed in phases in accordance with Section 580.9 D., the proportion of Affordable Housing Units (and the proportion of Existing Zoned Units to Bonus Units as defined in 760 CMR 59.04 1(h)) shall be consistent across all phases.
- J. No Waiver.** Notwithstanding anything to the contrary herein, the Affordability provisions in this Section 580.6 shall not be waived.

580.7 DIMENSIONAL AND DENSITY REQUIREMENTS

- A. Table of Requirements.** Notwithstanding anything to the contrary in this Zoning Bylaw, the dimensional requirements applicable in the GDRSGOD are as follows:

The number of residential units shall be no greater than a density of 8 units per acre of Developable Land for single family homes; no greater than 12 units per acre of Developable Land for two-family homes; or no greater than 25 units per acre of Developable Land for mixed use developments.

- B. Dimensional Standards**

- 1. Front Yard Setbacks.** To reflect the intensity of existing development in Greenbush, while encouraging development close to the street to promote shopping and walkability, the following front yard setbacks are encouraged in the GDRSGOD:

Location:	Country Way and the Driftway	All Other Streets
Minimum Front Yard:	5'	10'
Maximum Front Yard:	15'	25'

2. Side and Rear Yard Setbacks.

The minimum rear yard setbacks shall be 8'. Where a property is adjacent to a residential zoning district or a residential use, the minimum side or rear yard setback shall be twenty feet.

3. Building Height. No building shall exceed 45' or four stories in height.

C. Dimensional Waivers. Because the GDRSGOD is substantially developed, the PAA may, in order to encourage the development of infill housing units on undeveloped lots, grant a waiver to the dimensional standards of Section 580.7 B., in accordance with Section 580.11 C.

580.8 PARKING REQUIREMENTS

The parking requirements applicable for Projects within the GDRSGOD are as follows:

A. Number of parking spaces. Unless otherwise approved by the PAA, the following minimum (and maximum) numbers of off-street parking spaces shall be provided by use, either in surface parking, within garages or other structures:

- 1. Parking Requirements for Mixed Use Buildings.** Parking shall be provided for all uses according to the requirements of Section 760, Parking Requirements, except that it may be reduced by the Planning Board as described below.
- 2.** Due to the proximity of transit service, the Planning Board may authorize the number of required parking spaces indicated in the table below for office or retail uses in mixed use buildings and for residential uses in mixed-use or multi-family buildings:

Use	Number of Spaces Required
Office or Retail in Mixed Use Buildings	1 space per 300 square feet within 400 feet of a Town Public Parking Lot, or within 400 feet of an MBTA Parking Lot if parking is available during the hours of operation of the retail or office use.
One bedroom unit in Mixed-Use Building or Multi-family Building	1 space
Two bedroom unit in Mixed Use Building or Multi-family building	1.5 spaces
Three or more bedroom unit in Mixed Use Building or Multi-family building	2 spaces

3. Location of Parking. Any surface parking lot shall, to the maximum extent feasible, be located at the rear or side of a building, relative to any principal street, public open space, or pedestrian way. Parking areas are discouraged within front yard setbacks on Country Way and the Driftway to promote pedestrian connections and preserve green space.

4. Driveways shall be no greater than twenty-four feet in width. Shared access to parking lots by two or more businesses is to be encouraged wherever possible.

B. Shared Parking. Notwithstanding anything to the contrary herein, the use of shared parking to fulfill parking demands noted above that occur at different times of day is strongly encouraged. Minimum parking requirements above may be reduced by the PAA through the Plan Approval process (or, for Projects not requiring Plan Approval, prior to submission of any application for a Building Permit), if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies (e.g. the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved studies).

C. Reduction in parking requirements. Notwithstanding anything to the contrary herein, any minimum required amount of parking may be reduced by the PAA through the Plan Approval process (or, for Projects not requiring Plan Approval, prior to submission of any application for a Building Permit), if the applicant can demonstrate that the lesser amount of parking will not cause excessive congestion, endanger public safety, or that lesser amount of parking will provide positive environmental or other benefits, taking into consideration:

1. The availability of surplus off street parking in the vicinity of the use being served and/or the proximity of a bus stop or transit station;
2. The availability of public or commercial parking facilities in the vicinity of the use being served;
3. Shared use of off street parking spaces serving other uses having peak user demands at different times;
4. Age or other occupancy restrictions which are likely to result in a lower level of auto usage;
5. Impact of the parking requirement on the physical environment of the affected lot or the adjacent lots including reduction in green space, destruction of significant existing trees and other vegetation, destruction of existing dwelling units, or loss of pedestrian amenities along public ways; and
6. Such other factors as may be considered by the PAA.

580.9 PLAN APPROVAL OF PROJECTS: GENERAL PROVISIONS

A. Plan Approval. An Application for Plan Approval shall be reviewed by the PAA for consistency with the purpose and intent of Sections 580.9 through 580.13. Such Plan Approval process shall be construed as an as-of-right review and approval process as required by and in accordance with the Enabling Laws. The following categories of Projects shall be subject to the Plan Approval process:

1. Any Mixed-use Development Project.

B. Plan Approval Authority (PAA). The Planning Board, consistent with G.L. Chapter 40R and 760 CMR 59.00, shall be the Plan Approval Authority (the "PAA"), and is authorized to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the GDRSGOD.

C. PAA Regulations. The Plan Approval Authority may adopt administrative rules and regulations relative to Plan Approval. Such rules and regulations must be approved by the Department of Housing and Community Development

- D. Project Phasing.** An Applicant may propose, in a Plan Approval submission, that a Project be developed in phases, provided that the submission shows the full buildout of the Project and all associated impacts as of the completion of the final phase, and subject to the approval of the PAA. Any phased project shall comply with the provisions of Section 580.6 I.

580.10 PLAN APPROVAL PROCEDURES

- A. Preapplication.** Prior to the submittal of a Plan Approval submission, a “Concept Plan” may be submitted to help guide the development of the definitive submission for Project buildout and individual elements thereof. Such Concept Plan should reflect the following:
1. Overall building envelope areas;
 2. Open space and natural resource areas; and
 3. General site improvements, groupings of buildings, and proposed land uses.

The Concept Plan is intended to be used as a tool for both the applicant and the PAA to ensure that the proposed Project design will be consistent with the Design Standards and other requirements of the GDRSGOD.

- B. Required Submittals.** An application for Plan Approval shall be submitted to the PAA on the form provided by the PAA, along with application fee(s) which shall be as set forth in the PAA Regulations. The application shall be accompanied by such plans and documents as may be required and set forth in the PAA Regulations. For any Project that is subject to the Affordability requirements of Section 580.6, the application shall be accompanied by all materials required under Section 580.6 C. All site plans shall be prepared by a certified architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of one inch equals twenty feet (1”=20’) or larger, or at a scale as approved in advance by the PAA and shall be accompanied by a locus plan, at a scale of one inch equals eight hundred feet, encompassing an area at least one-quarter mile in diameter.

Information may be submitted on separate sheets for purposes of clarity. If the multiple sheets are used, they shall be accompanied by an index sheet indicating the information presented on the area encompassed by each sheet. Sheet sizes shall be twenty-four inches by thirty-six inches. A margin of two and one half inches shall be allowed on the left hand side and one inch margin on the remaining three sides. The plan shall show or contain the following:

1. A title block presenting the following information:
 - a. Title (project name), date and scale.
 - b. Name of owner and of applicant if different from owner.
 - c. Name and address of architect, professional engineer or land surveyor.
2. Bar scale adjacent to the title block.
3. A north point.

4. A signature block.
5. A table indicating the zoning classification or classifications applicable to the subject site; the required and proposed setbacks, side yard, and rear yard distances; the intended use of the site and any building thereon; the number of people anticipated on the site; existing and proposed floor area and/or number of dwelling units; and the number of required existing and proposed parking spaces.
6. The ownership, area, dimensions and boundaries of the land for which the site plan review is sought, with the names of all adjoining owners as found in the most recent tax list.
7. The existing and proposed elevations of the site, together with elevations extending a minimum of fifty feet into adjacent land. Where any land on or adjacent to the site is within the Flood Plain and Watershed Protection District, and/or area that the conservation commission has determined to be subject to Massachusetts General Laws, Chapter 131, Section 40, the boundaries of such area(s) shall be indicated on the plan, together with the percent of the site defined as wetlands.
8. The locations of all existing on-site buildings, buildings on adjacent property within fifty feet of the locus, public or private ways, easements and rights-of-way together with notation as to the purpose of any such easements or rights-of-way and the name of the person or entity benefited by the easement or rights-of-way, driveway locations and vehicular and pedestrian access and egress points on the site, on adjoining property within one hundred feet of the site, and directly across the street from the site for a distance of one hundred feet beyond the site's boundaries.
9. Existing natural features such as waterways, drainage course, large boulders or ledge outcroppings, trees of twelve inches caliper or more, and stone walls. Where a portion of the site is to remain undisturbed by proposed site work, such area shall be so indicated on the plan.
10. All existing structures to remain after work is completed, and all proposed structures, parking spaces, driveway openings, service areas, and other open uses, all facilities for sewage, refuse, other waste disposal and surface water drainage, all landscape features such as fences, walls, and the location, sizes, and types of all vegetation and other landscape materials to be retained or installed on the site.
11. The location, ground coverage outline and dimensions of existing structures and structures to be proposed to be erected together with generalized indications of all future additions or expansions contemplated at the time of application.
12. The proposed circulation and flow of traffic within the proposed development and all proposed or anticipated public and private ways adjacent thereto.
13. The location and function of all exterior entrances and exits to all buildings that will be on the site when completed.

14. The location and function of all pedestrian walkways, ramps, and amenities that will be on the site when completed.
15. A description and the location of all signs and exterior lighting, except seasonal displays of lights for the purpose of the celebration of holidays.
16. With the exception of single-family residences, an architectural design and building layout showing the type of structures proposed and type of exterior materials to be used.
17. The location of all public and private water supply wells within the site boundaries or within four hundred feet of the site boundary and, where applicable, the boundary line of the Water Resources Protection District as specified in Section 510 of this bylaw (whether on- or off-site.)

C. Filing. An applicant for Plan Approval shall file the required number of copies of the application form and the other required submittals as set forth in the PAA Regulations with the Town Clerk and a copy of the application including the date of filing certified by the Town Clerk shall be filed forthwith with the PAA.

D. Circulation to Other Boards. Upon receipt of the Application, the PAA shall immediately provide a copy of the application materials to the Board of Selectmen, Zoning Board of Appeals, Board of Health, Conservation Commission, Fire Department, Police Department, Building Commissioner, Department of Public Works, the Administering Agency (for any Project subject to the Affordability requirements of Section 6.0), and other municipal officers, agencies or boards for comment, and any such board, agency or officer shall provide any written comments within 60 days of its receipt of a copy of the plan and application for approval.

E. Hearing. The PAA shall hold a public hearing for which notice has been given as provided in Section 11 of G.L. Chapter 40A. The decision of the PAA shall be made, and a written notice of the decision filed with the Town Clerk, within 120 days of the receipt of the application by the Town Clerk. The required time limits for such action may be extended by written agreement between the applicant and the PAA, with a copy of such agreement being filed in the office of the Town Clerk. Failure of the PAA to take action within said 120 days or extended time, if applicable, shall be deemed to be an approval of the Plan Approval application.

F. Peer Review. The applicant shall be required to pay for reasonable consulting fees to provide peer review of the Plan Approval application, pursuant to G.L. Chapter 40R, Section 11(a). Such fees shall be held by the Town in a separate account and used only for expenses associated with the review of the application by outside consultants, including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners, and others. Any surplus remaining after the completion of such review, including any interest accrued, shall be returned to the applicant forthwith.

580.11 PLAN APPROVAL DECISIONS

A. Plan Approval. Plan Approval shall be granted where the PAA finds that:

1. The applicant has submitted the required fees and information as set forth in the PAA Regulations; and

2. The Project as described in the application meets all of the requirements and standards set forth in this Section 580 and the PAA Regulations, or a waiver has been granted therefrom; and
3. Any extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated.

For a Project subject to the Affordability requirements of Section 580.6, compliance with condition (2) above shall include written confirmation by the Administering Agency that all requirements of that Section have been satisfied. The PAA may attach conditions to the Plan Approval decision that are necessary to ensure substantial compliance with this Section 580, or to mitigate any extraordinary adverse potential impacts of the Project on nearby properties.

B. Plan Disapproval. A Plan Approval application may be disapproved only where the PAA finds that:

1. The applicant has not submitted the required fees and information as set forth in the Regulations; or
2. The Project as described in the application does not meet all of the requirements and standards set forth in this Section 580 and the PAA Regulations, or that a requested waiver therefrom has not been granted; or
3. It is not possible to adequately mitigate significant adverse project impacts on nearby properties by means of suitable conditions.

C. Waivers. Upon the request of the Applicant, the Plan Approval Authority may waive dimensional and other requirements of Section 580, including the Design Standards, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the GDRSGOD, or if it finds that such waiver will allow the Project to achieve the density, Affordability, mix of uses, and/or physical character allowable under this Section 580.

D. Project Phasing. The PAA, as a condition of any Plan Approval, may allow a Project to be phased at the request of the Applicant, or it may require a Project to be phased for the purpose of coordinating its development with the construction of Planned Infrastructure Improvements (as that term is defined under 760 CMR 59.00), or to mitigate any extraordinary adverse Project impacts on nearby properties. For Projects that are approved and developed in phases, the proportion of Affordable to market rate units shall be consistent across all phases, and the proportion of Existing Zoned Units to Bonus Units (as those terms are defined under 760 CMR 59.00) shall be consistent across all phases.

E. Form of Decision. The PAA shall issue to the applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the PAA. If twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town Clerk shall so certify on a copy of the decision. If a plan is approved by reason of the failure of the PAA to timely act, the Town Clerk shall make such certification on a copy of the application. A copy of the decision or application bearing such certification shall be recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of

the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the applicant.

- F. Validity of Decision.** A Plan Approval shall remain valid and shall run with the land indefinitely, provided that construction has commenced within two years after the decision is issued, which time shall be extended by the time required to adjudicate any appeal from such approval and which time shall also be extended if the Project proponent is actively pursuing other required permits for the Project or there is other good cause for the failure to commence construction, or as may be provided in a Plan Approval for a multi-phase Project.

580.12 CHANGE IN PLANS AFTER APPROVAL BY PAA

- A. Minor Change.** After Plan Approval, an applicant may apply to make minor changes in a Project involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the PAA on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the PAA. The PAA may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The PAA shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the applicant for filing with the Town Clerk.
- B. Major Change.** Those changes deemed by the PAA to constitute a major change in a Project because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the PAA as a new application for Plan Approval pursuant to Sections 580.9 through 580.13.

580.13 STANDARDS OF REVIEW

In reviewing a application under this section, the PAA shall assure, to a degree consistent with a reasonable use of the site for the purpose permitted by the regulations of the district in which the land is located, all of the following:

- A.** Protection of adjoining premises against detrimental and offensive methods of utilizing the site.
- B.** Traffic safety and ease of access at street and highway entrances and exits of driveways, taking account of traffic volume, grades, sight distances and distances between such driveway entrances, exits and the nearest existing street or highway intersections and times of peak traffic flow.
- C.** Safety and adequacy of driveway layout, pedestrian safety, off-street parking and loading sites, minimizing glare from headlights and light intrusion, sufficiency of access for service vehicles such as electricity, gas, fuel, telephone, laundry, rubbish removal, water, sewer, fire, police, ambulance or other routine or emergency vehicles.
- D.** Adequacy of the methods of disposal for sewage, refuse and other wastes resulting from the uses permitted on the site, safety and adequacy of water supply and distribution, and of fire fighting facilities on the site.

- E. Adequacy of surface and storm-water drainage and snow-melt runoff within and from the site, including but not limited to all walkways, driveways, buildings, parking and loading areas. If the subject site is located within the Water Resources Protection District, the Planning Board shall review the adequacy of measures proposed to maximize the recharge and surface infiltration of surface runoff from impervious surfaces and the diversion of such runoff towards vegetated areas; and
- F. If the subject site is located within the Water Resources Protection District, the adequacy of provisions made to protect against toxic or hazardous materials or oil discharge or loss resulting from corrosion, accidental damage, spillage or vandalism through measures such as: spill control provisions in the vicinity of chemical or fuel delivery points, secured storage areas for toxic or hazardous materials or oil, and indoor storage provisions for corrodible or dissolvable materials.
- G. Minimizing the volume of cut and fill, the number of trees of 6" caliper or greater removed, the length of stone walls removed, soil erosion, and destruction of other natural features.
- H. Minimize obstruction of scenic views from publicly accessible locations.
- I. Parking areas shall be adequately buffered and shaded using native vegetation. Parking lots with ten or more spaces shall be planted with at least one shade tree per ten spaces, of a caliper of at least 2 ½ inches dbh, with each tree providing shade to the parking area. Parking areas and visually degrading elements such as dumpsters and loading docks shall be designed to minimize visual intrusion from public ways and residentially owned or zoned areas. In addition, suitable screening of such areas by wood fences and dense, native evergreen hedges of five feet or more at time of planting shall be utilized. The use of chain link fences shall be avoided except in industrial areas. Outdoor lighting, including lighting on the exterior of a building or lighting in parking areas, shall be arranged to minimize glare and light spillover to neighboring properties. No outdoor light shall be located more than twenty feet above the ground.
- J. Safe, functional, and convenient pedestrian, bicycle, and where practical transit access, and continuity of the pedestrian and bicycle network within the property and to nearby pedestrian and bicycle facilities and trip generators.

580.14 DESIGN STANDARDS

- A. **Adoption of Design Standards.** Any Project undergoing the Plan Approval process shall be subject to design standards as set forth below in this Section 580.13 ("Design Standards") and may also include those approved by the Planning Board and contained in a separate document.
- B. **Purpose.** The Design Standards are adopted to ensure that the physical character of Projects within the GDRSGOD:
 - 1. Will be complementary to nearby buildings and structures;
 - 2. Will be consistent with the Comprehensive Housing Plan, an applicable master plan, an area specific plan, or any other plan document adopted by the Town; and
 - 3. Will provide for high-density quality development consistent with the character of building types, streetscapes, and other community features traditionally found in densely settled areas of the Town or in the region of the Town.

C. Mixed-use and Multi-Family Development Projects. The Design Standards may encourage the nonresidential elements of any Mixed-Use Development Project to be planned and designed in a manner to complement the residential uses, and help foster vibrant, workable, livable, and attractive neighborhoods consistent with the smart growth goals of the Enabling Act and this Section 580. Design standards for mixed use and multi-family buildings shall be as follows:

1. Roofs.

- a. Wherever possible, roofs shall be pitched to center ridge in keeping with the distinguishing architectural characteristics of the villages.
- b. Dormers within pitched roofs shall be encouraged, but no more than twenty feet in width. Dormers shall be exempt from roof pitch requirements.
- c. Sloped or pitched roofs with a minimum of 8:12 slope shall be encouraged, except as provided in paragraph D., below.
- d. To allow design variation, up to twenty percent of the roof area may be flat or of other design than a sloped or pitched roof.

2. Façade treatment.

- a. The use of awnings or canopies over windows of first floor commercial uses shall be encouraged.
- b. It is recommended that a minimum of fifty percent of ground floor building façades and thirty percent of second floor building façades facing public ways should be glazed.
- c. It is recommended that no building structure be longer than one hundred twenty feet measured along any side of the building which faces the street.
- d. Front building facades should be no longer than fifty feet without articulation.

D. Landscaping

1. A Landscape Plan shall be required for all submissions, except where waived by the Planning Board. The Planning Board may adopt specific regulations for landscaping in the Water Resource Protection District and other areas.
2. New landscaping shall not include invasive plants, as identified on a list provided by the Planning Department, and to the greatest extent possible, existing invasive plants will be removed. Native plants shall be used in landscaping wherever possible.
3. Screening. All buildings and parking areas within 50' of an adjacent residential zoning district shall be screened on each side adjoining residential premises, except where screening is already provided by an existing fence, wall, hedge or natural terrain feature. Said screening shall be maintained in good condition and no advertising shall be placed thereon, and shall be designed so as not to obstruct vehicle sight distances at entrances, exits or street intersections. Screening provisions may be modified or waived by the Planning Board for good cause.

- E. In addition to the standards above, the Planning Board may adopt additional design standards in accordance with the provisions of M.G.L. Ch 40R.

580.15 SEVERABILITY

If any provision of this Section 580 is found to be invalid by a court of competent jurisdiction, the remainder of Section 580 shall not be affected but shall remain in full force. The invalidity of any provision of this Section 580 shall not affect the validity of the remainder of the Town's Zoning Bylaw.

DRAFT