

**January 25, 2011
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

BOARD MEMBERS PRESENT: Bob Tucker, Chan Rogers, Karyl Spiller-Walsh, and Tom Gay

ABSENT WITH NOTICE: Andy Rodenhiser

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susy Affleck-Childs
Amy Sutherland, Meeting Recording Secretary
Gino Carlucci, PGC Associates Planning Consultant

Vice Chairman Tucker opened the meeting at 7:05 pm.

Village Estates Preliminary Subdivision Plan:

An application was received on December 16, 2010 for the approval of a preliminary subdivision plan. The applicant is Russell and Dorothy Santoro. The title on the application is Village Estates (private road) Preliminary plan. This plan was prepared by Paul DeSimone. The property location is 272 Village Street. This will be a private roadway. The plan date is November 25, 2010. This project has already gone to the Conservation Commission for wetlands delineation.

Paul Desimone explained that the plan shows the division of land into two residential lots. One lot contains an existing dwelling at 272 Village Street. The second lot will be for new construction. There will be construction of 120 foot long, 18' wide permanent private roadway including underground drainage area. There will be the installation of municipal water and sewer service. The proposal is for a "by right" use in this zoning district (AR2). There is an existing stone trench, but it will not be part of the drainage.

Susy Affleck-Childs informed the Board that a memo dated January 4, 2011 went out the abutters letting them know that a public briefing will be taking place.
(See Attached).

Abutter Wayne Brundage 268 Village St.:

He wanted noted several items:

- *Disagrees about the wetland delineation.
- *There is also not enough pitch
- *Concerned about water
- *Sewer line is low
- *Doesn't want to look at a patio from his back yard
- *The wetland markers have been taken down

Consultant Carlucci wrote a letter dated January 21, 2011 providing comments and recommendations.

(See Attached)

Consultant Carlucci further communicated the following comments:

- *Engineer needs to sign the plan
- *There is no sewer connection or septic system shown for the existing house.
- *The definitive plan requires NAVD88 to be used.
- *A proposed street name needs to be shown on the plan.

Affleck-Childs communicated to Mr. Desimone that the language of the easements must be clear that the future owner of Lot 1 will have rights to use the roadway. It was further expressed that Lot A cannot be conveyed until the road is put in.

The Board and Mr. Desimone discussed the setbacks. Mr. Desimone noted that the lot is on the corner, and a spite strip might be needed to be put in since it is a corner lot.

Consultant Carlucci indicated that it is his understanding that the required zoning setback must be met from any street.

It was suggested that the building inspector provide insight about the setbacks relative to this plan.

Abutter John McRury, 275 Village Street:

This resident is concerned about the water and drainage. He also wanted to know if the Town has anyone to look at the drainage.

Member Tucker indicated that the Town does have an engineer who would look at this project.

It was suggested that Mr. DeSimone contact the abutters to be allowed to do surveying from their properties. The abutters to the property agreed to having the surveying done on their property.

Affleck-Childs provided a point of clarification, that the (x) on the plan indicates that there is a building somewhere on the lot but does not specify the exact location of the structure.

Affleck-Childs also recalls that the zoning bylaw does not allow the Planning Board to approve a plan that puts an adjacent lot into non-conformity.

Member Spiller-Walsh notes that the consultant report indicates that the plan proposes to construct a private way cul-de-sac when in reality this is not what the applicant is constructing. The applicant is proposing a cul-de-sac roadway layout.

Consultant Carlucci agreed with the comment.

Pine Meadow II Subdivision:

This will be tabled until the next meeting.

Fox Run Farm Subdivision Performance Security:

This will be tabled to a future meeting.

Hill View Estates Preliminary Subdivision Plan:

PGC Associates supplied a memo dated January 21, 2011 for the cost estimate to review and comment on the Preliminary Subdivision Plan called Hill View Estates. The property is owned by Christine Price and is located on Hill Street.

(See Attached)

On a motion made by Karyl Spiller-Walsh and seconded by Chan Rogers, the Board voted unanimously to approve the estimate of \$340.00 from PGC Associates to review the Hill View Estates preliminary subdivision plan.

Mr. DeSimone indicated that the Form A (ANR Plan) will be filled since a portion of the land is in Holliston and is not being subdivided. He further explained that the total parcel is 13 acres total. There is a large house on one of the parcels. The owner wants to give some of the land to the Conservation Commission. The prior permit which allowed the house was a variance for reduced frontage on Hill Street.

Affleck Childs informed the Board that she is waiting for the abutters list from Holliston before proceeding to set the date for the public briefing.

Williamsburg Condominium Development:

Affleck-Childs informed the Board that the Release of Covenant which the Board had previously executed was provided to the developer after two items were addressed. The required certification of affordable housing needed to be submitted to the Mass DHCD and the paperwork for a conservation restriction on Open Space Parcel A had to be completed. This was completed on January 25, 2011.

DISCUSSION – Possible Zoning Bylaw Amendments for 2011 Annual Town Meeting

ARI Estate Lots:

The draft of the ARI – Estate Lots incorporates the edits and recommendations from Gino Carlucci, and Town Counsel. The document also was reviewed by Susy Affleck-Childs and John Emidy. Some of the information within the draft was taken from surrounding towns.

(See attached.)

The purpose of estate lot zoning is to allow for the development of residential parcels which exceed the minimum lot area required by the zoning district but also do not have the required minimum frontage.

The process for this would be through the special permit. The plan shall be prepared by a civil engineer, land surveyor, or landscape architect. The plan must also show the front and area of all lots abutting.

Member Tucker would like to see the PEDC as the special permit granting authority and would like the PED office to handle the application process.

The Board discussed looking at the setbacks and having a maximum frontage. This would allow the resident the ability to use the land without having to do a subdivision. The requirement would allow a parcel which lacks the minimum frontage to be designated as an Estate Lot and be utilized for residential purposes provided that the criteria are met. It was also discussed that specific conditions can be incorporated into the written decision.

Member Gay suggested that the Board may want to look at the lots in town that this would effect.

Consultant Carlucci will research this and will provide the results to the Board.

The Board will discuss this further at the next meeting.

Member Chan Rogers moves to adjourn the meeting at 8:45 pm. There was not a second to his motion.

Draft proposed Revisions to OSRD Bylaw:
(See attached).

Affleck-Childs informed the members that the noted changed areas are in bold.

It was the agreement of the Board that this be discussed at the February 1, 2011 workshop meeting.

The members will review the documents and will have any suggestions or recommendations for that evening.

Minutes January 11, 2011:

The minutes from January 11, 2011 will be tabled until the next meeting.

Member Spiller-Walsh had some revisions she wanted noted.

Correspondence:

The Board is in receipt of an email dated January 14, 2011 from Don Keeran, Coordinator of the Coalition for Zoning Reform regarding the Community Land Use and Preservation Act.

(See Attached)

The Board is in receipt of a memorandum from Metropolitan Area Planning Council dated January 10, 2011. The memo is in relation to professional and technical planning assistance to MAPC municipalities through the District Local Technical Assistance program.

(See Attached)

2011 Annual Town Meeting Warrant Article Submission:

Proposed articles and supporting documentation must be submitted by February 11, 2011.

Adjourn

On a motion made by Chan Rogers, and seconded by Karyl Spiller-Walsh, the Board voted unanimously to adjourn the meeting at 9:00 pm.

Future Meetings:

The next meetings scheduled are:

Special PEDB Workshop Meeting – February 1, 2011

Regular Meetings - February 8 & 22, 2011

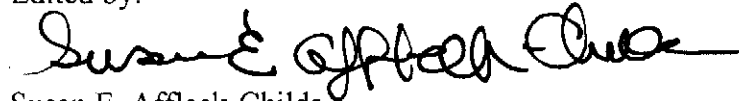
The meeting was adjourned at 9:00 PM.

Respectfully Submitted,



Amy Sutherland
Meeting Recording Secretary

Edited by:



Susan E. Affleck-Childs
Planning and Economic Development Coordinator



TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street
Medway, Massachusetts 02053

Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Karyl Spiller Walsh
Cranston (Chan) Rogers, P.E.

January 4, 2011

PUBLIC BRIEFING
The Villages Preliminary Subdivision Plan
Tuesday, January 25, 2011 at 7:15 pm

The Medway Planning & Economic Development Board has received an application from Russell S. & Dorothy P. Santoro of Medway, MA for approval of a *preliminary subdivision plan for a proposed 2 lot residential subdivision at 272 Village Street to be known as Village Estates*. Owned by the applicant, the 2.026 acre parcel (*Medway Assessors Map 1C, Parcel 114*) is located in the Agricultural Residential II zoning district. The preliminary subdivision plan is dated November 25, 2010, and was prepared by Colonial Engineering, Inc. of Medway, MA. The plan shows the division of land into two residential lots (one containing an existing dwelling at 272 Village Street and a second lot for new residential construction), the construction of an approximately 120 foot long, 18' wide permanent private roadway including an underground drainage area, and the installation of municipal water and sewer service. This proposal is for a "by right" use in this zoning district.

The applicant and his representative will present the proposed Village Estates Preliminary Subdivision Plan to the Planning and Economic Development Board on Tuesday evening, January 25, 2011 at 7:15 pm in the Sanford Room on the second floor of Medway Town Hall, 155 Village Street, Medway, MA. You are receiving this notice because you own land within 300 feet of this proposed subdivision. A copy of the proposed preliminary subdivision plan is enclosed for your use. The Board invites you review the plan, attend the Public Briefing, ask questions, and express your views on the proposed subdivision. We encourage your participation and comments. Written communication may be forwarded to the Board at the above address, faxed to us at the number below, or emailed to us at: planningboard@townofmedway.org. Board members will review all submitted correspondence.

A copy of the application and the full size version of the Village Estates Preliminary Subdivision Plan are on file with the Medway Town Clerk at Medway Town Hall, 155 Village Street, Medway, MA and may be inspected Monday through Thursday from 8:00 a.m. to 4:00 p.m. and Fridays from 8:00 a.m. to 1:00 p.m. The Town Clerk's office is also open most Monday evenings until 7:30 p.m. The full size plan is also available at the Planning & Economic Development office and has been posted at the Board's web page at townofmedway.org.

If you have any questions regarding this matter, please contact Planning & Economic Development Coordinator Susan Affleck-Childs at 508-533-3291. Thank you.

Phone: 508-533-3291 Fax: 508-533-3252

Email: planningboard@townofmedway.org

PGC ASSOCIATES, INC.

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Franklin, MA 02038-2648
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508.533.0617 (Fax)
pgca@comcast.net

January 21, 2011

Mr. Andy Rodenhiser, Chairman
Medway Planning Board
155 Village Street
Medway, MA 02053

Re: Village Estates Preliminary Subdivision Plan

Dear Mr. Rodenhiser:

I have reviewed the preliminary subdivision plan submitted by Russell Santoro of Medway for property on Village Street. The plan was prepared by Colonial Engineering, Inc. of Medway, and is dated November 25, 2010.

The plan proposes to ^{layout} construct a private way cul-de-sac in order to create frontage and divide a lot on Village Street with an existing house on it into two lots. It appears that an existing house on the property would remain. The total size of the parcel is 2.026 acres.

I have comments as follows:

Zoning

1. The lots in the subdivision as shown on the plan appear to comply with the zoning bylaw.

Subdivision Rules and Regulations

2. Section 4.4 requires that an engineer and surveyor prepare the plan. Only a surveyor is indicated on the plans, although an engineer is named in the application.
3. Section 4.6.7 requires general information on existing and proposed drainage, sewer disposal and water distribution.. The plan indicates an existing stone trench. The proposed drainage system appears to tie into this trench, but an underground drainage facility is also proposed at the beginning of the trench. It appears that a sewer main in Village Street will be extended from a manhole at the centerline of Brookside road to the centerline of the proposed new road and then into the subdivision. No existing sewer connection or septic system is shown for the existing house.
4. Section 4.6.10 requires that a datum reference be shown. No datum reference is provided. The definitive plan regulations require NAVD88 be used.

5. Section 4.6.11 requires that a proposed street name be shown on the plan. No name is shown.

General Comments

6. The signature block includes the statement that endorsement does not constitute a determination of compliance with the Zoning Bylaw and that approval under the subdivision control law is not required. These statements are required on ANR plans but not on subdivision plans. While it is technically true that approval of a preliminary subdivision plan is not required under the subdivision control law, such a statement on a preliminary plan could create the impression that a definitive plan is not required.

7. Since only two lots are proposed, this subdivision would qualify as a permanent private way. In considering whether there is a possibility of extending the way onto adjacent developable land, it appears that the abutting lots on both sides have excess land, but the lot to the east is mostly wetlands and the lot to the west appears to have a second dwelling unit on it already.

8. Two driveways are shown to the proposed dwelling on the proposed new lot. Since the proposed lot has more than 30,000 square feet, it appears that a duplex is proposed for that lot. This requires a special permit from the ZBA.

9. The existing house currently has two driveways to Village Street. One is paved and one is gravel. A new driveway from the proposed new street is proposed for the existing house, and the gravel driveway is proposed to be abandoned. Consideration should be given to also abandoning and removing the paved driveway to Village Street to reduce the traffic impact from multiple curb cuts and to improve the streetscape along Village Street, which is a scenic road.

If there are any questions about these comments, please call or e-mail me.

Sincerely,



Gino D. Carlucci, Jr.

PGC ASSOCIATES, INC.

1 Toni Lane
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508.533.8106
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gino@pgcassociates.com

January 21, 2011

Mr. Andy Rodenhiser, Chairman
Medway Planning Board
155 Village Street
Medway, MA 02053

Approved

Re: Hill View Estates Preliminary Subdivision Plan

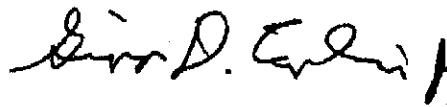
Dear Mr. Rodenhiser:

PGC Associates is pleased to present the following cost estimate to review and comment on the preliminary subdivision plan called Hill View Estates, submitted by owner Christine Price of Medway and prepared by Colonial Engineering, Inc. of Medway. The plan is dated November 25, 2010.

<u>Task</u>	<u>Hours</u>
Prepare estimate	0.5
Technical review and comment	2.0
Planning Board meeting	1.5
Total	4.0
Cost Estimate (@\$85)	\$340.00

If there are any questions about this estimate, please call me.

Sincerely,



Gino D. Carlucci, Jr.

ARI – Estate Lots

sac – revised draft 1-10-2011(2) This draft incorporates edits recommended by Gino Carlucci and Town Counsel, comments from John Emidy, and additional ideas from comparable bylaws in Easton & Northbridge

Add a new item 7. Estate Lots in the ARI zoning district

7. **Estate Lots** – The purpose of estate lot zoning is to provide, through a special permit process, for the reasonable use/development of residential parcels which significantly exceed the minimum lot area required by the zoning district but which also do not have the required minimum frontage. This is provided as an alternative to creating multiple minimum size lots under a conventional subdivision plan. This alternative is meant to preserve rural character by reducing density, infrastructure construction, and congestion.

The **PEDB or ZBA** may grant a Special Permit for development of a single family dwelling on a lot in the ARI district which lacks the minimum frontage required for the district by designating it as an Estate Lot, subject to the criteria as set forth herein.

Estate Lot status may be granted to pre-existing parcels or to newly established parcels.

a) **General Requirements/Conditions** – A parcel which lacks the minimum frontage requirement may be designated as an Estate Lot and utilized for residential purposes provided that all of the following conditions are met.

1. An Estate Lot shall be located entirely within the ARI zoning district.
2. An Estate lot shall have a minimum street frontage of least 50' (35', 40')
3. The area of an Estate Lot shall be at least three times the minimum area required for this district.
4. The Estate Lot must be capable of containing a square with each side having a length equal to or greater than the standard minimum required lot frontage.
5. All buildings and structures on an Estate Lot shall be located at least 100' from any street.
6. Front, rear and side yard setbacks. All buildings on an Estate Lot shall be located a minimum distance of 50' from abutting property lines.
7. All utilities shall be installed underground.
8. No Estate Lot shall be permitted adjacent to any other Estate Lot.
9. Access/egress to and from the Estate Lot from a public or private way shall be within the boundary lines of the lot and shall not be subject to any right-of-way nor any public or private easement over adjacent land.
10. The driveway to provide access for the house to be constructed on an Estate Lot shall be at least 14' in width; its first 50' shall be paved.

ARI – Estate Lots

sac – revised draft 1-10-2011(2)

11. Said Estate Lot shall be in compliance with all other standard zoning requirements.
12. No Estate Lot shall be further subdivided or developed pursuant to other special permit options.
13. The Plan for an approved Estate Lot shall be endorsed “Approved as an Estate Lot.” The following notes shall also be placed on the plan: *“Lot shown on this plan shall not be further subdivided.”* and *“No building permit shall be issued to construct a dwelling on the subject lot until a copy of the recorded special permit is provided to the Medway Building Commission.”*

b) **Application** – The applicant shall submit with the special permit application a plan depicting the proposed Estate Lot.

1. The plan shall be prepared by a civil engineer, land surveyor, or landscape architect registered in the Commonwealth of Massachusetts and shall be in such form as will be required for recording with the Registry of Deeds or filing with the Land Court.
2. A building area shall be designated on the plan. Front, rear and side yard depths shall be shown.
3. The plan shall show the frontage and area of all lots abutting and across the street.

c) **Findings** - The ~~PEDB or ZBA~~ shall not issue a special permit under this section except upon the following findings:

1. The applicant has provided for safe access for public safety vehicles and personnel to the residence to be constructed on the Estate Lot, and the intersection of such access driveway and the public way has been placed so as to minimize conflicts with curb cuts on abutting lots and to maximize sight distances for exiting traffic.
2. Egress from the Estate Lot must have no greater hazard owing to grade and visibility limitations than would be expected for a standard land subdivision road at that location.
3. The development of the property as an Estate Lot will be more in keeping with the character of the adjacent neighborhood and the protection of open space, significant or important natural resources and to historic structures or places (where such features are present) than other development options available to the applicant would be.

ARI – Estate Lots

sac – revised draft 1-10-2011(2)

4. The existing drainage patterns shall not be disrupted by the construction of a driveway on the reduced frontage portion of the Estate Lot.
- d) **Decision** - In determining whether or not to grant a special permit for an Estate Lot, and in determining what conditions, if any, to impose on such a special permit, the **PEDB or ZBA** may consider circumstances relating to soil conditions, topography, lot history, wetlands, proposed building locations, and public safety and convenience. Such limitations, conditions and safeguards shall be included in the written decision.

DRAFT

DRAFT PROPOSED REVISIONS TO OSRD BYLAW
PGC Associates – January 7, 2011

T. OPEN SPACE RESIDENTIAL DEVELOPMENT (OSRD)

1. **Purpose and Intent** - The primary purposes for OSRD are:
 - a) To allow for greater flexibility and creativity in the design of residential development
 - b) To protect community water supplies;
 - c) To minimize the total amount of disturbance on the site;
 - d) To encourage the permanent preservation of open space, agricultural land, forestry land, wildlife habitat, other natural resources including aquifers, water bodies and wetlands, and/or historical and archeological resources.
 - e) To ~~discourage sprawl~~ and encourage a more efficient form of development that consumes less open land and conforms more closely to existing topography and natural features than a conventional subdivision;
 - f) To further the goals and policies of the Medway Master and/or Open Space Plans;
 - g) To facilitate the construction and maintenance of housing, streets, utilities, and public service in a more economic and efficient manner.
 - h) To preserve and enhance the community character;
 - i) To preserve and protect agriculturally significant land;
 - j) To protect the value of real property;
 - k) To allow for housing types that will diversity the community's housing stock including the provision of affordable housing for persons of low and moderate incomes. *(Item k added May 14, 2007)*

2. **Eligibility**

- a) **Zoning Classification** - Only those tracts located in the AR-I and AR-II Districts shall be eligible for consideration as an OSRD.
- b) **Contiguous Parcels** - To be eligible for consideration as an OSRD, the tract shall consist of a parcel or set of contiguous parcels. For the purposes of this section, parcels that are directly opposite each other across an existing street, and each have a minimum of 25 feet of frontage on the same 25-foot section of roadway, may be considered as if contiguous. Provided, however, that parcels or sets of parcels on opposite sides of a street must each have practical development potential as evidenced by either meeting the dimensional requirements of the residential zoning district in which it lies, or, in the opinion of the Planning and Economic Development Board, has sufficient access and area to be subdivided in accordance with the Planning and Economic Development Board's Rules and Regulations for the Review and Approval of Land Subdivisions.
(Revised June 15, 2009)
- c) **Land Division** - To be eligible for consideration as an OSRD, the tract may be a

subdivision or a division of land pursuant to M.G.L. c. 41, s. 81P, provided, however, that an OSRD may also be permitted where intended as a condominium on land not so divided or subdivided.

d) *Tract Size* – An OSRD shall be on a site that is a minimum of 8 acres in area. The Planning and Economic Development Board may approve an OSRD on a tract of land that is less than 8 acres if such property directly abuts the Charles River, Chicken Brook or Hopping Brook and that portion of the property that abuts any of these waterways is included in the open space. *(Item d) added June 15, 2009)*

3. *Special Permit Required*

a) The Planning and Economic Development Board may authorize an OSRD pursuant to the grant of a special permit. Such special permits shall be acted upon in accordance with the provisions outlined below.

b) The Planning and Economic Development Board shall adopt *OSRD Rules and Regulations* which shall more fully define the application requirements including the size, form, number and contents of the *Site Context and Analysis Plan, Concept Plan, and Yield Plan*, identify supporting information needed, and establish reasonable application, review and inspection fees, and performance bond requirements.

c) Upon approval by the Planning and Economic Development Board, an OSRD may include a Local Convenience Retail use of no more than 7,500 square feet of gross building area. *(Item c) added 6-2-08)*

d) Upon approval by the Planning and Economic Development Board, an OSRD may include a Community Center or Building erected solely for the use of the residents of the OSRD and their guests for educational, recreational and social purposes. *(Item d) added 6-2-08)*

4. *Pre-Application Phase*

a) *Informal Review* -The purpose of an informal pre-application review is to minimize the applicant's costs of engineering and other technical experts, and to commence negotiations with the Planning and Economic Development Board at the earliest possible stage in the development. The applicant is required to schedule an informal pre-application review at a regular business meeting of the Planning and Economic Development Board. The Planning and Economic Development Board shall invite the Conservation Commission, Open Space Committee, Board of Health, and Design Review Committee to attend the informal pre-application review. At the informal pre-application review, the applicant ~~may~~ **shall** outline the proposed OSRD **(including presentation of a preliminary Site Context and Analysis Plan prepared with input from a Registered Landscape Architect)**, seek preliminary feedback from the Planning and Economic Development Board and/or its agents, **review potential trails and trail connections, present a preliminary design concept for handling stormwater runoff,**

discuss potential mitigation measures, and set a timetable for submittal of a formal application. At the applicant's request and expense, the Planning and Economic Development Board may engage technical experts to review the applicant's informal plans and facilitate submittal of a formal application for an OSRD special permit.

(Revised June 15, 2009)

b) *Site Visit* – ~~Upon request of a~~ **As part of a request for a** pre-application review, the applicant shall grant permission to Planning and Economic Development Board members and agents to visit the site, either as a group or individually, so that they may become familiar with the site and its surrounding area.

c) *Meeting with abutters* – *It is highly recommended that applicants meet with abutters at the pre-application stage and prior to preparing a formal application.*

5. ***Four-Step Design Process*** - At the time of the application for an OSRD Special Permit, an applicant is required to demonstrate to the Planning and Economic Development Board that the following *Four-Step Design Process* was performed by a Registered Landscape Architect (RLA) and considered in determining the layout of proposed streets, house lots **and/or dwelling units**, and open space.

a) *Identify Conservation Areas* - Identify preservation land by two steps. First, *Primary Conservation Areas* (such as wetlands, riverfront areas, and floodplains regulated by state or federal law, and verified by the Medway Conservation Commission through an Abbreviated Notice of Resource Area Delineation (ANRAD) and *Secondary Conservation Areas* (including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats and cultural features such as historic and archeological sites and scenic views) shall be identified and delineated. Second, the *Potentially Developable Area* will be identified and delineated. To the maximum extent feasible, the *Potentially Developable Area* shall consist of land outside identified *Primary and Secondary Conservation Areas*. **The specific features of the tract that are proposed to be preserved shall be identified. Furthermore, methods of integrating the preserved areas and features with the Potentially Developable Area and existing abutting neighborhoods shall be proposed. The Planning and Economic Development Board may require that certain features (including but not limited to specimen trees, stone walls, etc.) within the Potentially Developable Area be preserved.**

b) *Locate House Dwelling Unit Sites* - Locate the approximate sites of individual houses **and/or attached dwelling units** within the *Potentially Developable Area* and include the delineation of private yards and shared amenities, so as to reflect an integrated community, with emphasis on consistency with the Town's historical development patterns. The number of homes enjoying the amenities of the development should be maximized.

c) *Align the Streets and Trails* - Align streets in order to access the house lots **or dwelling units**. Additionally, new streets and trails should be laid out to create internal

and external connections to existing and/or potential future streets, sidewalks, **existing or proposed new open space parcels** and trails on abutting public or private property.

d) *Draw in Lot Lines* A narrative and accompanying illustrations documenting the findings and results of each of the four steps shall be provided. *(This sentence added June 15, 2009)* **This step is not applicable to condominium projects.**

6. Application Requirements Procedures

a) *Application* - An application for an OSRD Special Permit shall include a *Site Context and Analysis Plan*, a *Concept Plan*, ~~and a Yield Plan~~, **Design Plan, and Mitigation Plan**. The application shall also include a narrative statement that describes how the proposed OSRD meets the general purposes and evaluation criteria of this bylaw and why it is in the best interests of the Town to grant the OSRD Special Permit rather than approve a conventional subdivision plan.

b) *Site Context and Analysis Plan* - The *Site Context and Analysis Plan* shall illustrate the tract's existing conditions and its relationship with adjoining parcels and the surrounding neighborhood. Using existing data sources and field inspections, it should indicate the important natural resources or features within the site as well as on adjoining lands. Such resources include, but are not limited to, wetlands, streams and riparian areas, floodplains, steep slopes, ledge outcroppings, woodlands, hedgerows, farmland, unique or special wildlife habitats, historic or cultural features (including old structures and stone walls), unusual geologic formations and scenic views.

c) *Concept Plan* - The *Concept Plan* shall be prepared by a Registered Landscape Architect, or by a multi-disciplinary team of which one member must be a Registered Landscape Architect, and shall address the general features of the land, give approximate configurations of the lots, **building footprints**, open space, stormwater management facilities, utilities and roadways, **pedestrian circulation** and include the information listed in Preliminary Plan section of the *Subdivision Rules and Regulations*. The *Concept Plan* shall incorporate the results of the Four-Step Design Process, according to Paragraph 5 above, and the Design Standards according to Paragraph 10 below, when determining a proposed design for the development. *(Revised June 15, 2009)*

d) Design Plan – The Design Plan shall include a preliminary design scheme for the development including, at a minimum, sample façade designs for the buildings and a preliminary landscaping plan identifying typical features, such as fences, stone walls, light posts, or other items in addition to vegetation that is being considered. Designs that incorporate low-impact design drainage systems into the landscaping plan are encouraged.

e) Mitigation Plan – Proposed mitigation measures in compliance with Sub-section 13 (b) shall be included as part of an

d) f) *General Procedures* - Upon receipt of an application for an OSRD Special Permit, the Planning and Economic Development Board shall, within fourteen (14) days of the filing of the completed application, distribute copies of the application, accompanying plans, and other documentation, to the Board of Health, Conservation Commission, Open Space Committee, Building Inspector, Department of Public Services, Police Chief, Fire Chief, Design Review committee, and the Town's consulting engineer and consulting planner for their consideration, review, and report. The applicant shall furnish the copies necessary to fulfill this requirement. Reports from other boards and officials shall be submitted to the Planning and Economic Development Board within thirty-five (35) days of receipt of the reviewing party of all the required materials. Failure of these reviewing parties to make recommendations after having received copies of all such required materials shall be deemed a lack of opposition thereto. In the event that the public hearing by the Planning and Economic Development Board is held prior to the expiration of the 35-day period, the Planning and Economic Development Board shall continue the public hearing to permit the formal submission of reports and recommendations within the 35-day period. The Decision/ Findings of the Planning and Economic Development Board shall contain, in writing, an explanation for any departures from the recommendations of any reviewing party. (Revised June 15, 2009)

e) g) *Other Information* - The submittals and permits of this section shall be in addition to any other **applicable** requirements of the Subdivision Control Law or any other provisions of this Zoning Bylaw, **including, but not limited to the Affordable Housing provisions of Section X.**

7. **Maximum Number of Dwelling Units/Yield Plan**

a) The maximum possible number of OSRD dwelling units shall be derived after preparation of a *Yield Plan*. The *Yield Plan* shall indicate the tract's total area (TA) and its wetland and riverfront area (WA). WA shall include those portions of the tract that are classified as wetland and/or are located within the 200' riparian zone of a perennial stream as determined by the Medway Conservation Commission. (Revised June 15, 2009)

The following formula shall be used to determine the maximum possible number of OSRD dwelling units that **may** be permitted. The resulting amount shall be rounded down to the nearest whole number.

$$\text{Maximum \# of OSRD Dwelling Units} = \frac{\text{TA} - (0.5 \times \text{WA}) - (0.1 \times \text{TA})}{\text{Zoning District Minimum Lot Area}}$$

b) The maximum **possible** number of OSRD dwelling units **is for guidance purposes only.** ~~may~~ **It is** not necessarily be the number of units the Planning and Economic Development Board approves in the OSRD Special Permit.

8. **Reduction of Dimensional Requirements** - The Planning and Economic Development Board may authorize modification of lot size, shape, and other bulk

requirements for lots within an OSRD, subject to the following limitations:

- a) Lots having reduced area or frontage shall not have frontage on a street other than a street created by a subdivision involved, provided, however, that the Planning and Economic Development Board may waive this requirement where it is determined that such reduced lot(s) are consistent with existing development patterns in the neighborhood.
- b) Lot frontage shall not be less than fifty feet (50').
- c) Each lot shall have a front setback of at least twenty-five feet (25') unless a reduction is otherwise authorized by the Planning and Economic Development Board.
- d) Each lot shall have a minimum of fifty percent (50%) of the minimum required lot area for the zoning district in which it is located.
- e) ~~Building footprints or envelopes shall be shown on the plan, and no structure shall be located closer than thirty feet (30') from any other structure. Furthermore, a A~~ landscaped buffer shall be provided between ~~houses~~ **structures** to enhance privacy.
- f) Garage doors facing the street shall be set back a minimum of five feet (5') more than the front wall of the principle building. No more than fifty percent (50%) of the garage doors within an entire OSRD shall face the street from which it is accessed. These requirements may be waived by the Planning and Economic Development Board for corner lots where the garage door faces a different street than the front of the ~~house~~ **dwelling unit** or for other extraordinary circumstances that the Planning and Economic Development Board deems to be in the Town's best interests.

9. **Open Space Requirements** - A minimum of fifty percent (50%) of the tract shown on the development plan shall be open space. For purposes of this section, open space shall be considered to be land left in its natural state and/or land used for any of the purposes described in item (c) below. Open space is to be owned and managed as outlined in item (e) below. Any proposed open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved exclusively for the purposes set forth herein, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

a) In the minimum required open space area (equal to 50% of the total area of the proposed OSRD parcel), the percentage of land that is a *resource area* (as defined and regulated by the Medway General Wetlands Protection Bylaw (ARTICLE XXII) shall not exceed the percentage of the total tract that is a *resource area*; provided, however, that in any proposed open space beyond the minimum required, the applicant may include a greater percentage of *resource area*. (Revised May 14, 2007 & June 15, 2009)

b) The open space shall be contiguous. Open Space will be considered as contiguous if

it is separated by a roadway or an accessory amenity. The Planning and Economic Development Board may waive this requirement for all or part of the required open space where it is determined that allowing non-contiguous open space will promote the goals of this bylaw and/or protect the identified Primary and Secondary Conservation Areas.

c) The open space shall be used for wildlife habitat and conservation and the following additional purposes: historic preservation, education, outdoor education, recreation, parks, agriculture, horticulture, forestry, a combination of these uses, and shall be served by suitable access for such purposes. The Planning and Economic Development Board may permit up to 10% of the open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space (*i.e., pedestrian walks and bike paths, playgrounds, or other recreation facilities*). The open space shall be accessible to the public, unless the Planning and Economic Development Board waives this requirement because it deems that it is in the best interests of the Town to do so. The Planning and Economic Development Board may require a minimum number of off-street parking spaces to facilitate such public access. *(Revised June 15, 2009)*

d) While protecting resources and leaving land in its natural state is a primary goal, the Planning and Economic Development Board also encourages the use of open space to provide active and passive recreation in the form of commons, parks and playgrounds to serve the needs of the development and surrounding neighborhoods.

e) The following shall not qualify toward the required minimum open space area:

- 1) Surface stormwater management systems serving the OSRD such as retention and detention ponds.
- 2) Sub-surface drainage, septic and leaching systems per Title 5
- 3) Fifty percent (50%) of the land area subject to any type of utility easement
- 4) Land within thirty feet (30') of any dwelling unit
- 5) Local Convenience Retail buildings or Community buildings or other buildings housing common facilities and any associated parking.
- 6) Median strips, landscaped areas within parking lots or landscaped areas on individual home lots.
- 7) Strips of land equal to or less than fifteen feet (15') wide, unless, in the opinion of the Planning and Economic Development Board, they serve as necessary pedestrian connectors to a public way, trail, or another open space parcel.

(Revised May 14, 2007 & June 15, 2009)

8) Buffer strips between the *Potentially Developable Area* and abutting existing neighborhoods as required in Subsection 10 (i).

f) Ownership of the Open Space - The open space shall, at the Planning and Economic Development Board's discretion, be conveyed to:

- 1) The Town or its Conservation Commission, upon its agreement;
- 2) A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above, upon its agreement;

3) A corporation or trust owned jointly or in common by all owners of lots within the OSRD. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust that shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement for this purpose. In such event, the Town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the town may perform it. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning and Economic Development Board for approval, and shall thereafter be recorded.

g) The Planning and Economic Development Board shall make the final determination regarding the open space parcels. This shall include the location, size, shape and use of all proposed open space. If the land set aside for open space is excessively steep or wet, is not safely accessible, or is not dry for at least nine (9) months out of the year, the Board may consider this to be an inappropriate contribution of open space and may require additional land to satisfy this requirement. *(Item 9. g) added May 14, 2007)*

10. **General Design Standards** – The following General Design Standards shall apply to all OSRDs and shall govern the development and design process:

a) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainage ways should be treated as fixed determinants of road and lot configuration.

b) Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject tract.

c) The development shall relate harmoniously to the terrain and the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. Proposed buildings shall relate to their surroundings in a positive manner.

d) All open space (*landscaped and usable*) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.

- e) The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.
- f) Mix of Housing Types - The OSRD may consist of any combination of single-family, two-family and multifamily residential structures. A multifamily structure shall not contain more than 5 dwelling units.
- g) Common/Shared Driveways - Common or shared driveways may be allowed at the discretion of the Planning and Economic Development Board.
- h) Each OSRD dwelling unit shall have reasonable access to the open space, but does not need to directly abut the open space. *(Added May 14, 2007)*
- i) A **minimum** fifteen foot (15') wide visual buffer ~~area~~ consisting of natural vegetation, earthen materials and/or additional landscaping and/or fencing, acceptable to the Planning and Economic Development Board, shall be located **between the Potentially Developable Area of the tract and abutting existing neighborhoods** ~~along the perimeter of the OSRD tract~~, unless a reduction is otherwise authorized by the Planning and Economic Development Board. A determination to reduce the size of the buffer area shall be based on the proximity or lack thereof of abutting residences, the extent and screening effectiveness of any existing vegetation which may serve to buffer abutting properties, and/or the need to use the buffer area for access or utility easements. *(Added May 14, 2007)*
- j) Parking – A minimum of ~~two (2)~~ **three (3)** off-street parking spaces shall be required for each dwelling unit. The Planning and Economic Development Board may require additional off-street parking areas for use in common by residents and their guests. Locations for additional guest parking shall be shown on the Concept Plan. *(Added June 15, 2009)*
- k) Sidewalks shall be provided along the entire frontage of the OSRD tract along existing Town ways, including the frontage of any lots held in common ownership with the parcels within five (5) years prior to the submission of the OSRD Special Permit application. In those instances where sidewalk construction is not feasible or practical, the Planning and Economic Development Board shall require that the applicant support sidewalk construction elsewhere in the community. This may be accomplished either by constructing an equivalent length of sidewalk elsewhere in the community as recommended by the Department of Public Services or by making a payment in lieu of sidewalk construction to the Town of Medway's Sidewalk Special Account in an amount determined by the Planning and Economic Development Board at the recommendation of the Town's Consulting Engineer. *(Added June 15, 2009)*
- l) Pedestrian circulation measures to facilitate movement within the Potentially Developable Area as well as between it and the open space and the abutting existing neighborhood.**

m) Trails shall be provided to facilitate public access to the open space unless the Planning and Economic Development Board finds that it is not in the best interests of the Town to locate a trail on a particular parcel. All trails shall be a minimum of 50 feet from any dwelling unit unless the Planning and Economic Development Board finds that topography, vegetation or other factors warrant a lesser distance.

11. ***Decision of the Planning and Economic Development Board*** - The Planning and Economic Development Board may grant an OSRD Special Permit if it determines that a proposed OSRD has less detrimental impact on the tract than a conventional subdivision development proposed for the tract, after considering the following factors:

- a) Whether the OSRD achieves greater flexibility and creativity in the design of residential development than a conventional plan;
- b) Whether the OSRD promotes permanent preservation of open space, agricultural land, forestry land, other natural resources including water bodies and wetlands, and historical and archeological resources;
- c) Whether the OSRD promotes less sprawl and a more efficient form of development that consumes less open land and better conforms to existing topography and natural features than a conventional subdivision;
- d) Whether the OSRD reduces the total amount of disturbance on the site;
- e) Whether the OSRD furthers the goals and policies of Medway's Open Space and/or Master Plan;
- f) Whether the OSRD facilitates the construction and maintenance of streets, utilities, and public services, in a more economical and efficient manner; ~~and~~
- g) Whether the *Concept Plan* and its supporting narrative documentation complies with all sections of this Zoning By-Law.
- h) Whether the design of buildings within the OSRD is consistent or compatible with traditional New England architectural styles as further described in the Planning and Economic Development Board's *Design Review Guidelines*.
- i) Whether the OSRD is compatible or in harmony with the character of adjacent residential neighborhoods.
- j) Whether the OSRD will have a detrimental impact on abutting properties and residential neighborhoods.
- l) Whether the impact of the OSRD on abutting properties and residential neighborhoods has been adequately mitigated, **and**

- m) Whether the OSRD protects and enhances community character
(Items 11 (h) – 11 (l) added May 14, 2007)

An OSRD Special Permit decision shall include the approved *Concept Plan*. The OSRD Special Permit Decision shall specifically state that the OSRD Definitive Plan shall substantially comply with the approved *Concept Plan*. The applicant shall record the OSRD Special Permit Decision/ *Concept Plan* at the Norfolk County Registry of Deeds.
(Added June 2, 2008)

12. ***OSRD Definitive Plan***

- a) Subsequent to recording the OSRD Special Permit Decision and *Concept Plan* at the Registry of Deeds, the applicant shall prepare and submit an OSRD Definitive Plan to the Planning and Economic Development Board. The OSRD Definitive Plan shall include all plan changes as may be required by the conditions of the OSRD Special Permit.
- b) The Inspector of Buildings shall not issue a building permit for any building or structure authorized by an OSRD Special Permit unless the Planning and Economic Development Board has approved or conditionally approved and endorsed an OSRD Definitive Plan, filed such with the Town Clerk and provided such to the Inspector of Buildings,
- c) An OSRD Definitive Plan shall comply with the application contents, review process, and Design & Construction Standards of the *Subdivision Rules and Regulations* for a definitive subdivision plan, except that another traffic study and development impact report are not required. The Planning and Economic Development Board may agree to waive/vary those standards upon written request of the applicant, provided that the Planning and Economic Development Board finds that it is in the best interests of the Town to do so.
- d) In cases where a definitive subdivision plan is not technically necessary (e.g. a multi-family condominium project), the Planning and Economic Development Board will consider site design features that are normally the subject of Site Plan Approval (SECTION V. USE REGULATIONS, Sub-Section C of the Medway Zoning Bylaw) such as parking, lighting, landscaping, site amenities, etc. The Development Standards of the Planning and Economic Development Board's *Site Plan Rules and Regulations* shall be adhered to. The OSRD Definitive Plan shall be prepared to comply with those standards. The Planning and Economic Development Board may agree to waive/vary those standards, upon written request from the applicant, provided that the Planning and Economic Development Board finds that it is in the best interests of the Town to do so.
- e) The OSRD Definitive Plan shall substantially comply with the approved OSRD *Concept Plan*. An OSRD Definitive Plan will be considered not to substantially comply with the approved *Concept Plan* if the Planning and Economic

Development Board determines that any of the following conditions exist:

- 1) An increase in the number of building lots;
- 2) A decrease in the open space acreage of more than 5%;
- 3) A significant change in the lot layout;
- 4) A change in the general development pattern which, in the opinion of the Planning and Economic Development Board, adversely affects natural landscape features or other features identified for preservation in the approved *Concept Plan*;
- 5) A change to the stormwater management facilities which, in the opinion of the Planning and Economic Development Board, adversely affects natural landscape features or other features identified for preservation in the approved *Concept Plan*; and/or,
- 6) Changes in the wastewater management systems, which, in the opinion of the Planning and Economic Development Board, adversely affect natural landscape features or other features identified for preservation in the approved *Concept Plan*.

f) If the Planning and Economic Development Board determines that the OSRD Definitive Plan does not substantially comply with the approved *Concept Plan*, the Board may disapprove the OSRD *Definitive Plan* for failure to comply with the conditions of the OSRD Special Permit.

g) The Planning and Economic Development Board may conditionally approve an OSRD Definitive Plan that does not substantially comply with the approved *Concept Plan*. However, such conditional approval must identify where the OSRD Definitive Plan does not substantially comply with the approved *Concept Plan* and shall require that the applicant file an application to modify the OSRD Special Permit within a specified time period in order to amend the approved *Concept Plan* by incorporating the significant changes identified by the Planning and Economic Development Board. The public hearing on the application to amend the OSRD Special Permit and *Concept Plan* shall be limited to the significant changes identified by the Planning and Economic Development Board in their conditional approval of the OSRD Definitive Plan.

(Paragraph 12 added 6-2-08)

h) The OSRD Definitive Plan shall be recorded at the Norfolk County Registry of Deeds.

(Item h) added June 15, 2009)

13. **OSRD Special Permit Provisions** - Depending on the nature of the particular OSRD, the Planning and Economic Development Board may, as a condition of any Special Permit for an OSRD, establish conditions, limitations and safeguards; require construction observation/inspection, bonding or other performance guarantees, plan compliance measures and the submittal of as-built plans; and establish reasonable mitigation measures which the Board believes are in the Town's best interests.

(Corrected June 15, 2009)

- a) **Conditions, Limitations and Safeguards** - The Planning and Economic Development Board may require conditions, limitations and safeguards to promote the health, safety, convenience and general welfare of the community including, but not limited to, the following:
- 1) Plan revisions and design modifications to preserve property values, preserve aesthetic or historic features, maintain compatibility with existing uses, and promote the attractiveness of the community.
 - 2) Controls on the location and type of access to the site;
 - 3) Controls on the number, type and time that service and delivery vehicles access the site;
 - 4) Provision for preservation of scenic views;
 - 5) Limitations on the hours of operation for any Local Convenience Retail Use or Community Center/Building included in the OSRD;
 - 6) Conditions to minimize off-site impacts and environmental quality during construction;
 - 7) Requirements to screen parking facilities from adjoining premises or from the street by walls, fences, plantings or other devices to mitigate adverse impacts;
 - 8) Conditions to minimize the adverse impacts of the development on abutters and the adjacent neighborhood, including but not limited to adverse impacts caused by noise, dust, fumes, odors, lighting, headlight glare, hours of operation, or snow storage.
- b) **Mitigation Measures** – The Planning and Economic Development Board may require reasonable mitigation measures to offset adverse impacts of the development on the community, including but not limited to:
- 1) requirements for off-site improvements up to a maximum value of six percent (6%) of the *total development cost* of the proposed project to improve the capacity and safety of roads, intersections, bridges, pedestrian access, water, sewer, drainage, and other public facilities and infrastructure including traffic signals/controls, or municipal services, sufficient to service the development project. The *total development cost* shall mean the total of the cost or value of land and all development related improvements and shall be determined on the basis of standard building or construction costs published in the *Engineering News Record* or other source acceptable to the Planning and Economic Development Board, for the relevant type of structure(s) and use (s).
 - 2) Donation and/or dedication of land for right-of-way to provide for roadway and/or intersection widening or improvements.
(Added 11-10-08) (Sub-Section T. was replaced in its entirety June 6, 2005)

Susan Affleck-Childs

From: massplanners-bounces@cs.umb.edu on behalf of Don Keeran [dkeeran@apcc.org]
Sent: Friday, January 14, 2011 1:41 PM
To: massplanners@cs.umb.edu
Subject: [Massplanners] Coalition for Zoning Reform: Comprehensive Land Use Reform and Partnership Act Filed in Legislature
Attachments: previous zoning reform sponsors.doc; CLURPA Summary Page.doc; CLURPA Table (10-18-10).pdf; ATT00007.txt

Please see the following message from the Coalition for Zoning Reform and the Zoning Reform Working Group.

Thanks,

Don Keeran
Coordiantor, Coalition for Zoning Reform

Assistant Director
Association to Preserve Cape Cod
3010 Main Street, P.O. Box 398
Barnstable, MA 02630
Phone: 508-362-4226
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Visit our Web site at www.apcc.org

Comprehensive Land Use Reform and Partnership Act Filed in Legislature

Please contact your state legislators today and ask them to co-sponsor this important bill

State Senator James Eldridge (D-Acton) and Representative Stephen Kulik (D-Worthington) have filed the Comprehensive Land Use Reform and Partnership Act (CLURPA) for the 2011-2012 Massachusetts legislative session. CLURPA is the bill that was favorably reported out of the Joint Committee on Municipalities & Regional Government last year. It combines elements of the Community Planning Act, which was drafted by the Zoning Reform Working Group, and the Land Use Partnership Act (LUPA), which came out of Economic Development Secretary Greg Bialecki's Planning & Zoning Reform Task Force. CLURPA would update zoning and planning statutes for the first time in over 35 years. Zoning and planning reform are particularly important for communities wishing to enact smart growth initiatives.

Between now and February 4, legislators will have a chance to sign on as co-sponsors of CLURPA. A large number of co-sponsors creates momentum for bills being considered by the legislature, therefore the Coalition for Zoning Reform is contacting legislators, especially past zoning reform bill co-sponsors, to back CLURPA.

You can also help by contacting your state legislators before February 4 to inform them about the need for state zoning reform and request that they become co-sponsors of the Comprehensive Land Use Reform and Partnership Act.

Attached is a list of legislators who have co-sponsored zoning reform legislation in the past. If your legislator is on the list, please contact him or her to remind them of their past support, and urge them to show their support again by co-sponsoring CLURPA. If your legislators are not on the list, please contact them and ask them to add their support by co-sponsoring CLURPA. The following links provide contact information for current Representatives and Senators:

<http://www.malegislature.gov/People/Senate>

<http://www.malegislature.gov/People/House>



MEMORANDUM

To: MAPC Council Representatives and Other Local Officials
From: Marc D. Draisen, Executive Director
Subject: Professional Technical and Planning Assistance to MAPC Municipalities
Date: January 10, 2011

The Governor and the Legislature have once again committed funds for Regional Planning Agencies (RPAs) to assist their constituent communities through the District Local Technical Assistance (DLTA) Program. This program, established by Chapter 205 of the Acts of 2006, enables RPA staff to provide technical assistance to communities for “any subject within regional planning expertise.”

Over the past several years, RPAs, including the Metropolitan Area Planning Council (MAPC) have assisted dozens of communities across the state to undertake local and inter-municipal plans, re-write local zoning, or enter into inter-municipal agreements to save money and/or to deliver better municipal services.

FUNDING CATEGORIES

In previous grant rounds, MAPC received significantly more proposals than could be funded. MAPC will prioritize funding of projects that best meet specific state and regional goals, but gives preference to projects that meet the priority uses in the two categories set forth by the Commonwealth, as follows:

A. Sustainable development land use objectives

The purpose of this priority funding area to address land use concerns that reflect the needs of your municipality and the region in ways that are in harmony with the regional plan, MetroFuture, and the state’s Sustainable Development Principles (see <http://www.metrofuture.org/content/metrofuture-scenario> and http://www.mass.gov/Agov3/docs/smart_growth/patrick-principles.pdf).

Examples of such activities include:

- By-law/ordinance preparation and implementation, such as:
 - Housing district bylaws/ordinances, including bylaws for affordable, workforce, mixed-income, or special needs housing (including 40R Districts or Housing Production Plans);
 - Economic development district bylaws/ordinances, including development of mixed use districts that incorporate housing opportunities;
 - Open space residential design bylaws;



- Mixed use or transit-oriented regulations for downtowns, town centers, villages or transit nodes (including 43D Districts);
- Regulations to reduce storm-water impacts (Low Impact Development); or
- Transfer of Development Rights (TDR) bylaws.

- Preparation of permitting procedures to implement prompt and reliable permitting for clean energy/co-generation facilities, economic development and/or housing districts.

- Preparation of master plans or master plan elements to guide growth and preservation of resources in cities, towns, urban neighborhoods, or multiple municipalities.

- Preparation of a Partnership Plan as defined in the proposed Comprehensive Land Use Reform and Partnership Act (CLURPA) (see Senate Bill 2482 filed in 2009-2010 legislative session).

- Preparation of a corridor plan that links land use and transportation objectives, preferably involving neighboring municipalities along a roadway or transit corridor.

- Energy Services Planning, such as energy services analyses or hiring of a regional energy manager (see <http://www.mapc.org/smart-growth/clean-energy> for more details).

- Working with groups of communities to undertake regional analyses of Priority Development Areas, Priority Preservation Areas, and Regionally Significant Transportation Improvements, to enable sustainable inter-municipal planning and growth.

Within this category, preference will be given to projects that address multiple Sustainable Development Principles; implement multiple goals of MetroFuture; or encourage collaboration in the land use field among multiple municipalities.

B. Regional collaboration in planning, service delivery or procurement

The purpose of this priority funding area is to encourage municipalities to work together to achieve or enhance cost-effective service delivery, or to create and sustain ongoing collaborative approaches to common issues. Examples of such activities include:



- Shared services (e.g., public safety and emergency response services, such as regional 911 centers; information technology/data management; educational services, such as regional school district analysis or merging of “back office” functions; shared professional and administrative services; shared facilities or staff for energy, waste disposal, or recycling; combining public health, accounting or other services; multi-service mutual aid agreements; or better coordinating major municipal functions such as fire, police, library, etc.).
- Cooperative planning agreements (e.g., regional analysis of affordable housing needs, compact among communities for locating affordable housing or generating jobs through economic development, joint consultation on boundary developments and cross-border impacts, inter-municipal open space planning, or agreements regarding water supplies, wastewater or storm-water, etc.).
- Collective purchasing (if such purchasing cannot be otherwise accomplished using statewide contracts or can be achieved regionally for less than the state contract price, or items proposed for purchase that are specific to municipal and/or school district agreements).
- More generally, measures that benefit more than one municipality by reducing costs or enhancing services.

In addition to the above, MAPC will also apply the following priorities when evaluating which projects to undertake with these funds:

- Projects that involve more than one municipality or projects serving one municipality that could be easily replicated in other communities.
- Projects that advance one or more MetroFuture goals. Projects that advance components of local plans, or previous studies, which are consistent with MetroFuture. (No project will be selected that is inconsistent with MetroFuture’s goals.)
- Projects that will enhance economic competitiveness of the region, including such topics as local permit streamlining, downtown or town center economic revitalization, mixed use development, or establishment of a Ch. 43D “priority development site.”
- Projects that will advance the production or preservation of housing, especially housing that is affordable to low or moderate-income households, or mixed-income housing, including the establishment of a Ch. 40R Smart Growth Housing District.



- Projects that specifically address issues of regional equity by enhancing the quality of life for low-income households, people of color, immigrants, people with disabilities, or other disadvantaged groups, as outlined in both MetroFuture and the Commonwealth's Sustainable Development Principles
- Projects likely to lead to positive short-term "changes on the ground" (new construction, approved zoning changes, inter-municipal collaboration on service delivery, etc.).
- Projects where the applicant community has a good history of adopting smart growth measures or collaborations with neighboring municipalities for shared services or joint purchases.

A local match is not required, nor will it be used as a factor in determining which projects are selected by MAPC. However, if a proposed project exceeds the ability of MAPC to undertake the project with DLTA funds, then MAPC and the project proponent(s) may engage in a strategic discussion about either a) reducing the project scope to meet the limited DLTA funding capacity or b) securing a local contribution (or funding from another source) to more fully support the project.

SUBMISSION REQUIREMENTS

Please submit a two-page maximum concept scope to include the following:

- Provide a succinct project overview, describe the project status, and include any work accomplished to date (e.g., reports or studies that have been completed by local staff or consultants).
- Describe the need for the project and the local, regional, and state goals that would be fulfilled by the project.
- Identify the expected products of the project (e.g., proposed or adopted bylaw or ordinance, regional agreement, permitting procedures, collective purchasing agreement, etc.).
- Propose or estimate the project timeline and associated project benchmarks, if known (e.g., must be completed in time for close of fall town meeting warrant in August).
- Outline the community's commitment to the project. The application should indicate the support of the mayor, city manager, or town administrator to request the grant; in a town,



a resolution by the Planning Board or Board of Selectmen authorizing the request is also required.

- Define the community's expected contribution to the project (e.g., XX hours of municipal planner staff time to assist in analysis).
- Identify the project lead contact for the community.

MAPC staff will review the concept and work with you to determine the level of effort the project would require and the appropriate allocation of DLTA funds. Note that the final agreement between the community and MAPC will be signed by MAPC's Executive Director and the Town Administrator/City Manager/Mayor.

All proposals should be sent to Mark Racicot, MAPC Manager, Land Use Division, at mracicot@mapc.org by January 31, 2011.

FUNDING TIMELINE

MAPC anticipates receiving 2011 DLTA program funds early in calendar 2011 and will begin projects when funds arrive. **MAPC will allocate, to the greatest extent feasible, DLTA funds by February 28, 2011. Projects must be completed by December 31, 2011.** We may hold a small amount of funds aside for allocation to urgent needs later in the year.

This is a great opportunity for your community and MAPC to work together on studies, policy recommendations and inter-municipal collaboration that can have a positive effect on your community, the region, and the Commonwealth.

For further information on this program, projects funded in the prior rounds, or to discuss a project concept, please contact:

In regard to land use projects: Mark Racicot at 617-451-2770 ext. 2063 or at mracicot@mapc.org.

In regard to municipal services projects: Steve Daly, 617-451-2770 ext. 2047 or at sdaly@mapc.org.