

**March 24, 2011  
Medway Planning and Economic Development Board  
155 Village Street  
Medway, MA 02053**

**BOARD MEMBERS PRESENT:** Andy Rodenhiser, Bob Tucker, Chan Rogers, and Karyl Spiller-Walsh

**ABSENT WITH NOTICE:** Tom Gay

**ABSENT WITHOUT NOTICE:**

**ALSO PRESENT:** Susan Affleck-Childs, Planning and Economic Development Coordinator  
Amy Sutherland, Meeting Recording Secretary  
Gino Carlucci, PGC Associates Planning Consultant

The Chairman opened the meeting at 7:00 pm.

The Chairman asked for any citizen comments. There were no citizen comments.

Susy Affleck-Childs informed the members that the Town received notification that its application for Green Energy Grant in the amount of \$158,000 was approved by the Mass DOER.

**Proposed Amendments to the Medway Zoning Bylaw:**

The Chairman opened the hearing for the proposed amendments to the Medway Zoning Bylaw.

- **On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh voted unanimously to waive the reading of the public hearing notice.**

The Chairman provided a background to the existing bylaw. The steps to amend the Medway Zoning Bylaw were reviewed by the Chairman. **(See Attached)**

The Chairman next explained that the new proposed amendment would establish a new Adaptive Use Overlay District (AUOD) in the area comprised by the entire Commercial 3 zone and portions of the AR2 Zone in the Medway Village area. It included property on the north and south sides of Village Street (from 90-214) and along the east and west sides of Broad Street and a small portion of Sanford Street. The map was referenced. **(See Attached)**

It was further explained that the proposed amendment allow property within the district to be renovated and used for limited commercial uses and for mixed commercial/residential uses upon the granting of an Adaptive Use Special Permit by the Planning and Economic Development Board.

The purpose of an Adaptive Use Overlay District is to provide a streamlined process for renovating and converting existing properties within the area to limited commercial or a

combination of commercial and residential uses. The Adaptive Use Overlay District encourages the preservation of historic resources and community character by providing new economic uses for older buildings that no longer function well as single-family residences. The approval of an adaptive Use Special Permit exempts the project in

The thought process behind this is to encourage economic investment in the community and expand the community's commercial/business tax base.

**Resident, Lisa Mitchell – 25 Broad St.:**

A resident who lives in the Commercial III zone finds that a neighbor of hers has equipment in the front of its property and is operating this business and whether it is an allowed business. She is concerned about the change of the bylaw and how it will effect her property.

The Chairman indicated that in relation to the business which abuts the property at 25 Broad Street, he suggested that the abutter can check to see if the business has a permit.

Consultant Carlucci indicated that the commercial use will be added to the adaptive use. The zoning does not change with residency.

Susy Affleck-Childs read from the zoning bylaw a list of uses which would be allowed in this district.

The Chairman communicated that by adopting this, we are making investments in this type of neighborhood by maintaining the residential component.

**Resident, Bob Heavey, 6 Sanford Street:**

Mr. Heavy wanted to know what mechanism is in place if a person wants to challenge a decision.

The Chairman responded that the decision could be appealed to Land Court.

Consultant Carlucci communicated that before the decision is made, the Board would need to hold a public hearing for any abutters or residents to express their concerns.

Mr. Heavy communicated that there is currently a problem with Village Street. It is like a race way for 18 and 25 wheelers. Cars are currently going 40 to 50 miles an hour. The traffic on Village Street is dangerous. This is a death trap. He applauds the efforts of the Planning Board, but it is his opinion that Village Street cannot take any more traffic. He would like to see something done about widening streets.

He also communicated that there is a store which currently has a delivery truck unloading on this busy street.

The Chairman communicated that by making the streets smaller, not larger, would slow actually down the vehicles. The Board has research done on Village Street and it has been determined that this street can handle more traffic.

One of the residents suggests that a study be done to see if this area can take more businesses or traffic. This area could use a stop sign or flashing red light.

Member Tucker communicated that when we look at special permits, we will work with an applicant to make improvements in this area.

The Chairman communicated that we can effect change and can make a difference. We are all elected and want to make this area better. The Board wants to preserve the character of the Medway Village area.

**Resident, Bob Heavey 6 Sanford St.:**

Mr. Heavy would like to see the village character maintained and this area preserved.

The Chairman asked member Rogers how difficult is it to get a traffic light at Sanford St.

Member Rogers responds that Mass Highway needs to determine whether a light is warranted.

Consultant Carlucci responded that there is a set criteria which needs to be met in relation to traffic counts, and accident counts to meet the criteria to be able to put up a traffic light.

Susy Affleck-Childs informs the residents that in the five years since the adaptive use district was established on Main Street, only three parcels have used this bylaw. There should not be a big concern about a huge increase in applications.

**Resident, John Reagan, 180 Village St.:**

Mr. Reagan was inquiring about Commercial III and up to two residential units.

Susy Affleck-Childs indicted that this is not by right, and cannot go above the two units.

Mr. Reagan has a three unit now and was inquiring about if the lot could be subdivided in the future.

Susy-Affleck-Childs informed the resident that he could certainly come in an meet with her to discuss his parcel.

**Resident, Wayne Podzka, 15 Board St.:**

He was inquiring about if the property is zoned both residential and commercial. He does not want the bylaw to change how he can use his property.

The Chairman explained that it will allow him to change but only with the special permit.

Susy Affleck Childs explained that the Planning and Economic Development Board is looking to clean up the property lines in another article regarding the boundaries of the Commercial III zone.

Consultant Carlucci indicated that Mr. Podkza is currently only in the Commercial III zone.

The abutter explained that he bought property ten years ago, went to get a permit to add a garage and said it was communicated to him that he was allowed to have a business.

Susy Affleck-Childs read through the list of permitted uses in the Commercial III zone.

The Chairman indicated that outside storage is not permitted in this area. He advised the resident to speak with the Zoning Enforcement Officer for further clarification. He also indicated that churches and schools are exempt uses. These are allowed everywhere.

Ms. Mitchell wanted to know if these type of businesses would have an obligation to make improvements to the sidewalks, parking, or street repairs.

The Chairman communicated that a Sidewalk Fund has been started to improve and do repairs on the sidewalks.

**Resident, Hugh Kentley, 14 Oakland Street:**

He wanted to know if the list of uses can be changed without notification.

Susy Affleck-Childs responded that the Special Permit would indicate and specify the use in the special permit decision. This process and determination would take place during the public hearing.

**COMMERCIAL III Boundaries**

The discussion next moved to inform the public that there is a warrant article to revise the boundaries between Commercial III and Agricultural Residential I and Agricultural Residential II zoning districts by rezoning a number of parcels so that the zoning district boundaries follow parcel lines. (See Attached.)

**Draft Proposed Revisions to OSRD Bylaw:**

The Board is in receipt of the most recently revised draft dated February 28, 2011 of the Proposed Revisions to OSRD Bylaw. (See Attached.)

The Chairman discussed that the town is at risk of 40 B projects. The idea is that you are exempt from subdivision and zoning if developed as a 40 B.

The Town must show that the town is making progress towards our 10% number which that state is mandating.

The intensity is possible on smaller lots. The idea of OSRD is to allow with density but preserve the density and we would get sprawl.

The Board is comfortable with the language as written on page one.

**5. Four Step Design Process:**

Member Spiller-Walsh would like to require that the four step design process be performed by a registered landscape architect.

Member Tucker disagrees. We should include a diversity of backgrounds to make the evaluations.

Member Rogers disagrees and believes that a collaborative group effort should be used.

Member Spiller-Walsh feels that there was no four step-design process for the most recent OSRD applicant.

The Board was in agreement that the quality and standard could be better.

The Chairman noted that the vote has not taken place for the most recent four step design process application. This is a bylaw not an actual application in front of us.

Member Rogers does not feel that the 4 step design process has failed with the previous application.

Susy Affleck-Childs notes that we probably need to do a better job at communicating the four step design process.

Member Rogers does not want the bylaw to exclusively specify that a registered landscape architect has to perform the 4 step design process.

Member Spiller-Walsh wants to leave the existing bylaw alone as is and not make this proposed change.

Member Tucker suggests putting the vote off until member Gay is present.

The proposed changes to the OSRD bylaw will be discussed at the next meeting.

Member Spiller-Walsh does not agree with allowing the bonus market rate units.

The Board has not done a conventional subdivision for three years.

The Chairman communicated that there has been no big subdivisions in a while. The housing types which are selling are Pine Ridge and Williamsburg.

Susy-Affleck-Childs informs all that the town meeting date has been moved to June 13, 2011.

- **On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to continue the public hearing until Tuesday March 29, 2011 at 7:30pm**

Susy Affleck-Childs reminded the Board that there is a public forum for the Oak/Grove/Bottle Cap Lot Area on Monday, March 28, 2011 and April 11, 2011 at 7:00 pm at the Medway Public Library.

Member Roger communicated that he attended a MAPC meeting which discussed the ability of Massachusetts to compete with other states.

**Adjourn:**

**On a motion made by Bob Tucker, and seconded by Karyl Spiller-Walsh, the Board voted unanimously to adjourn the meeting at 9:30 pm.**


**Future Meetings:**

The next meetings scheduled are:

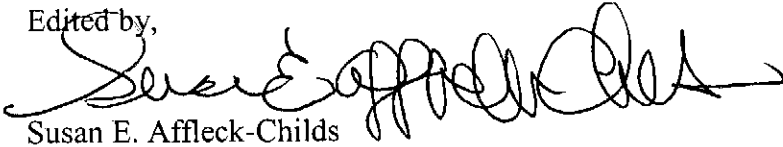
- Oak Grove Public Forums – Monday March 28 and April 11, 2011 at 7:00 pm – Medway Public Library
- Regular PEDB Meeting April 12 & 26, 2011
- 2011 Annual Town Meeting – originally scheduled for Monday, May 9, 2011- changed to June 13, 2011.

The meeting was adjourned at 10:00 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  
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*Andy Rodenhiser, Chairman*  
*Robert K. Tucker, Vice-Chairman*  
*Thomas A. Gay, Clerk*  
*Cranston (Chan) Rogers, P.E.*  
*Karyl Spiller Walsh*

## **Steps to Amend the Medway Zoning Bylaw**

**Q: Who can propose an amendment to the Medway Zoning Bylaw?**

A: Any of the following - the Planning & Economic Development Board, the Zoning Board of Appeals (ZBA), the Board of Selectmen (BOS), a property owner who would be affected by a change, a citizens' petition by registered voters in the town, and the regional planning agency (Metropolitan Area Planning Council – MAPC) - may submit a proposal to amend the Medway Zoning Bylaw to the Board of Selectmen (BOS) to be included on the warrant for a future town meeting.

**Q: Who approves a change to the Medway Zoning Bylaw?**

A: State law requires that any amendment to a municipal zoning bylaw must be approved by at least a 2/3 vote of Town Meeting. In Medway, there is an additional local requirement that at least 100 registered voters must be in attendance at a town meeting at the time of any proposal to amend the Zoning Bylaw is on the warrant.

**Q: Who is involved in reviewing proposed amendments to the Medway Zoning Bylaw?**

A: In Medway, all proposed Zoning Bylaw amendments are reviewed/discussed by the Board of Selectmen at a public meeting before an article is included on a town meeting warrant. Proposed articles are also reviewed by Town Counsel. The Board of Selectmen and the Finance Committee each recommend whether the proposal should be approved.

State law also requires the Planning & Economic Development Board to conduct a public hearing on any proposed amendment to the Medway Zoning Bylaw and to make a report to town meeting with its recommendation regarding adoption, further revision, withdrawal, or denial.

**Q: How is the public notified about a proposed amendment to the Medway Zoning Bylaw?**

A: In Medway, the Planning & Economic Development Board prepares and files the official public hearing notice with the Town Clerk; it is posted at the Town Clerk's office at least



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March 24, 2011

**Proposed Medway Village  
Adaptive Use Overlay District (AUOD)**

**BACKGROUND** - In 2004, the Medway Town Meeting amended the Medway Zoning Bylaw to establish new provisions to allow certain property improvements and uses within an Adaptive Use Overlay District (AUOD). Property within an AUOD district can be used for limited commercial purposes and for mixed commercial/ residential uses upon the granting of an Adaptive Use Special Permit by the Planning Board.

That Bylaw amendment designated Medway's first AUOD - a portion of Main Street/Route 109 on the north side running easterly from Mechanic Street (except for Choate Park) to a line formed by the extension of the centerline of Cottage Street across Main Street and along the south side of Main Street/Route 109 running easterly between a line formed by the extension of the centerline of Mechanic Street across Main Street to the western edge of the Commercial I zoning district at Elm Street.

**CURRENT PROPOSAL** - This proposal would establish a new Adaptive Use Overlay District (AUOD) in the area comprised by the entire Commercial 3 zone and portions of the AR2 zone in the Medway Village area. It includes property on the north and south sides of Village Street (from 90 – 214) and along the east and west sides of Broad Street and a small portion of Sanford Street. See attached map. This is the area around Medway Town Hall, commonly referred to as Medway Village.

**Q. Who has put forth this proposal to establish another AUOD?**

A. The Medway Planning and Economic Development Board

**Q. Why?**

A. The Town wants to encourage economic investment in the community and expand the community's commercial/business tax base. An AUOD is one way to provide additional opportunities for business growth in Medway.



**Q. How does this proposal to establish a new AUOD affect the existing zoning on my property?**

A. The underlying “by right” zoning applicable to your property is not changed by creating the new AUOD. In this proposed AUOD, the underlying zoning is either AR2 or Commercial 3 and will remain in effect as the “by right” zoning. The AUOD is superimposed on top and creates another option for using the property. But the AUOD uses for a specific property must be authorized by special permit from the Planning and Economic Development Board.

**Q. What are the requirements for an AUOD project?**

A. **RENOVATION** - The most essential requirement is that the primary existing building on the property has to be renovated/restored/improved in a way that enhances the building’s original architecture and maintains the overall residential character of the neighborhood.

**PARKING** – 1 off street parking space for every 300 sq. ft of gross floor space; 2 off-street spaces for each residential unit. Parking should be to the rear or side of the building.

**LANDSCAPING** – Each project must include landscaping to create a buffer/provide screening with the adjacent properties.

**DRAINAGE** – Provisions must be made for on-site retention and treatment of stormwater

**Q. What uses can be undertaken in an AUOD?**

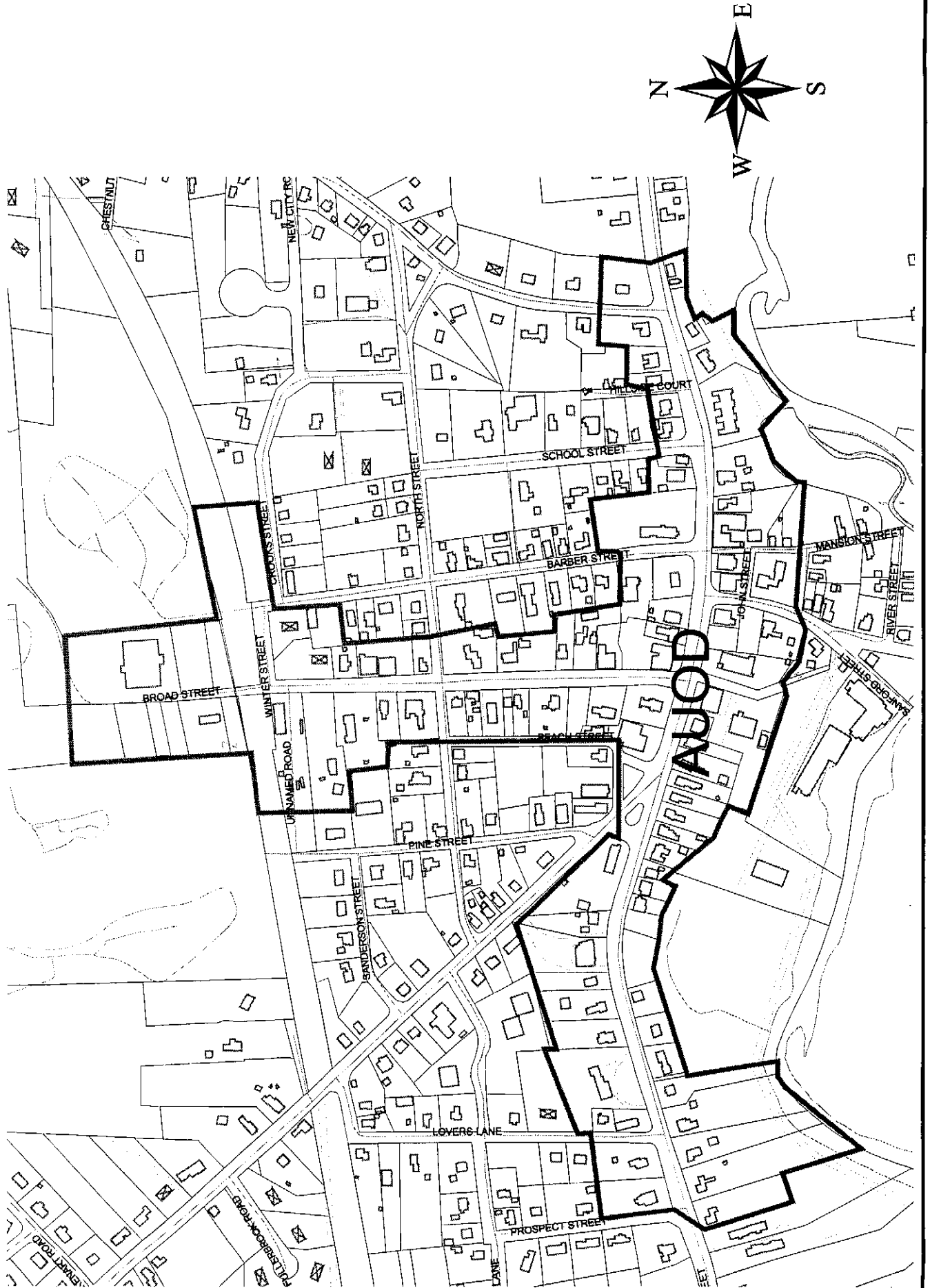
A. If authorized by an AUOD special permit, a property can be used for:

- offices for professional uses
- studios for artists, photographers, decorators and other design related uses
- retail sales for handcrafted merchandise, arts/crafts, antiques, second hand goods
- personal care services
- florists
- limited food services (café, deli, pastry shop)
- up to 2 residential units but only if one or more of the other business uses previously noted is also included

NOTE – The AUOD is NOT the mechanism for securing approval to create a two family dwelling. Converting an existing single family residential structure in the underlying AR2 zoning district to a two family building (with no separate business uses) may be authorized only by a special permit from the Zoning Board of Appeals.

ALSO – An AUOD project can include new construction such as an addition or a new building provided its design is compatible with the other building(s) on the parcel.

# Proposed AUOD District



2-22-2011 draft – sac

Warrant Article : To see if the Town will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section R. Sign Regulations as follows:

To add the following item 3) in Paragraph 4. m) Types of Illumination

3) *Light emitting diodes (LED)* - An electronic semi-conductor device that emits visible light in one direction when applied voltage (electric current) passes through it; used in lamps and digital displays

And to add item t) in Paragraph 6 Prohibited Signs

t) Signs which use light emitting diodes (LED) for illumination.

Or to act in any manner relating thereto.

Planning and Economic Development Board

# Zoning Map Changes

Revised 3-1-2011

WARRANT ARTICLE : To see if the Town will vote to amend the Medway Zoning Map as follows:

Revise the boundaries between the Commercial III and Agricultural Residential I (AR1) and Agricultural Residential II (AR2) zoning districts by rezoning the following parcels so that the zoning district boundaries follow parcel lines:

- from AR2 to Commercial III:
  - 1B-111 7 Sanford Street
  - 1B-112 139 Village Street
  - 1B-113 131 Village Street
- from AR1 to Commercial III
  - 1B-6 45 Broad Street
  - 1B-5 43 Broad Street
  - 1B-4 41 Broad Street
  - 1B-3 & 3A 39 Broad Street
  - 1B-7 42 Broad Street
  - 1B-7a 40 Broad Street
- from AR1 to split AR1 and Commercial III
  - 1B-2 0-R Broad Street
  - (That portion, approximately .2 acres, of Lot 1B-2 that lies between Lots 1B-3 & 3A and Lot 1B-4 and east of a line formed by connecting the rear lot lines of Lots 1B-3 & 3A and Lot 1B-4 would become Commercial III; the rest of Lot 1B-2 remains AR1)*
- from split AR2 and Commercial III to being completely in Commercial III
  - 1B-41 25 Barber Street
  - 1B-52 35 Broad Street
  - 1B-97 171 Village Street
  - 1B-98 169 Village Street
  - 1B-100A 155A Village Street
  - 1B-119 125 Village Street
  - 1B-164 136 Village Street
  - 1B-165 144 Village Street
  - 1B-198 16 Broad Street
  - 1B-207 3 Barber Street
- from split AR2 and Commercial III to being completely in AR2
  - 1B-42 23 Barber Street
  - 1B-43 21 Barber Street
  - 1B-44 19 Barber Street
  - 1B-46 23 North Street
  - 1B-117 3 John Street
  - 1B-118 1 John Street

1B-202	15 Barber Street
1B-203	11 Barber Street
1B-203-1	13 Barber Street
1-47	12R River Street

- from split AR2 and Commercial III to split AR2 and Commercial III but with an adjusted boundary line

1B-51            37 Broad Street  
*(That portion, approximately .25 acres, of Lot 1B-51 that lies east of a line formed by a northerly extension of the rear lot line of Lot 1B-52 is zoned AR2; the remainder of Lot 1B-52 is zoned Commercial III)*

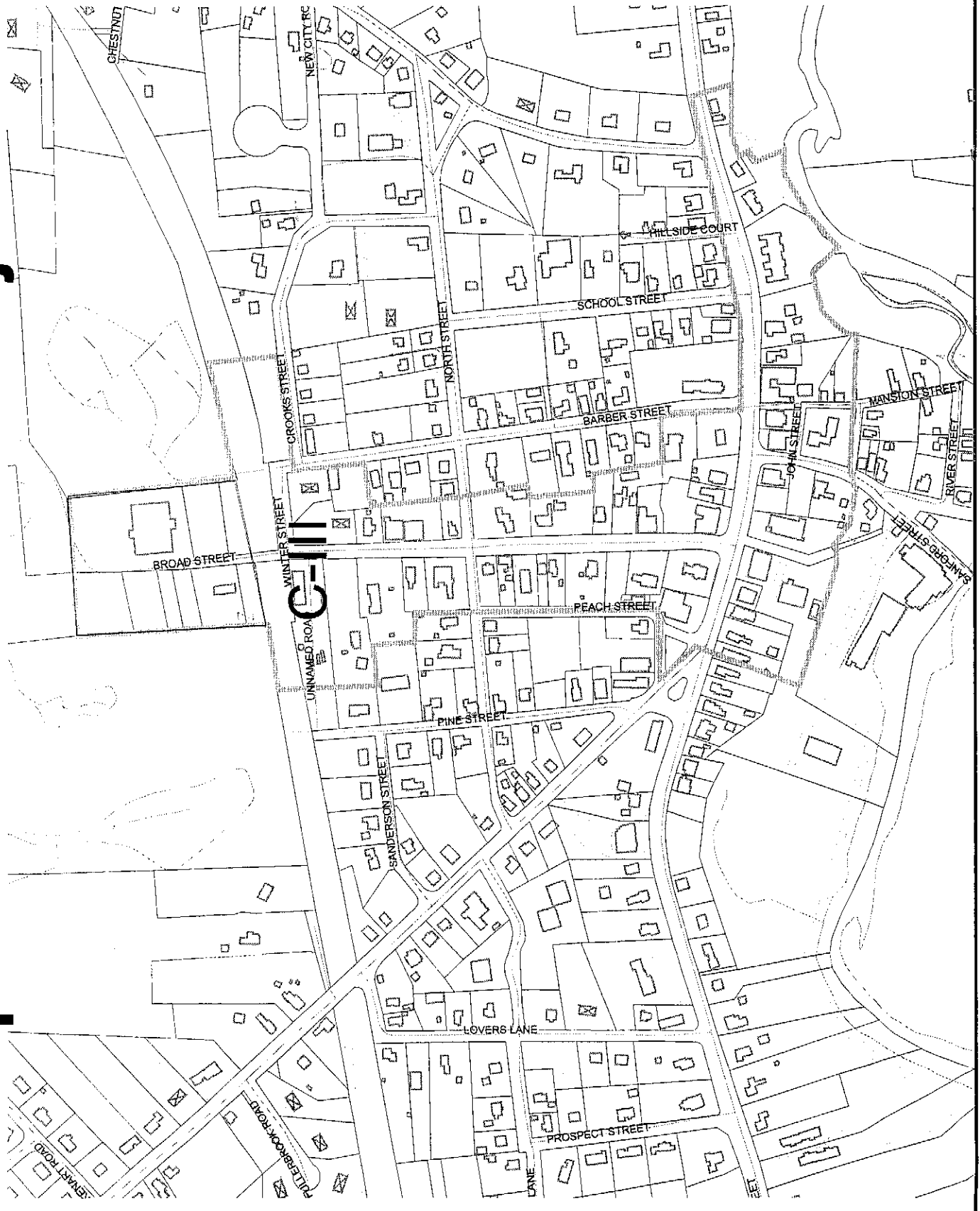
All as shown on a map on file with the Medway Town Clerk.

Or to act in any manner relating thereto.

Planning and Economic Development Board

DRAFT

# Proposed C-III District Adjustment



**Revised sac draft 3/1/2011**  
**AUOD**

WARRANT ARTICLE : To see if the Town will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section W. Adaptive Use Overlay District as follows:

**To delete item a) in Paragraph 2 General Requirements in its entirety and replace it as follows:**

- a) Location: The Adaptive Use Overlay District is superimposed on:
- 1) That portion of the ARII zoning district along the north side of Main Street between Mechanic Street and a line formed by the extension of the centerline of Cottage Street across Main Street except for Choate Park/Pond (Assessors Map 5, Parcel A) and along the south side of Main Street between a line formed by the extension of the centerline of Mechanic Street across Main Street and the western boundary of the Commercial I zoning district at Elm Street; and
  - 2) The entire Commercial III district and portions of the ARII zoning district in the Medway Village area on the north and south sides of Village Street.

Both as shown on maps on file with the Town Clerk's office.

**To delete item b) in Paragraph 2 General Requirements and replace it as follows:**

- b) Frontage: Only properties with a minimum of 50' of frontage on a Town way within the Adaptive Use Overlay District shall qualify for a special permit granted by the Planning and Economic Development Board (hereinafter referred to as an "Adaptive Use Special Permit".

**To delete item a) in Paragraph 3 Permitted Uses in its entirety and replace it as follows:**

- a) Uses Allowed As of Right: All uses allowed as of right in the underlying zoning district shall remain as of right within the Adaptive Use Overlay District

**To delete item b) in Paragraph 5 Site Development Standards in its entirety and replace it as follows:**

- b) Each Adaptive Use project shall include the restoration, renovation or improvement of the primary existing building (s) on the site sufficient to maintain or enhance the building's original architectural integrity and character. Construction of an addition to an existing building or construction of a new building on the premises may be permitted provided that it is designed to be compatible with the other building (s) on the lot and maintain the overall character of the underlying zoning district.

**To add new items j) and k) in Paragraph 5 Site Development Standards as follows:**

- j) Sidewalks shall be provided or replaced along the entire frontage of the AUOD parcel along existing Town ways, including the frontage of any lots held in common ownership with the parcel within five (5) years prior to the submission of the AUOD 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 Medway Department of Public Services or by making a payment in lieu of sidewalk construction to the Town of Medway's Special Sidewalk Account in an amount determined by the Board at the recommendation of the Town's Consulting Engineer.
- k). Business signage is permitted as specified in SECTION V. USE REGULATIONS, Sub-Section R. Sign Regulations of the Medway Zoning Bylaw.

**AND to amend the Medway Zoning Map** to show the additional AUOD in the Medway Village area as shown on a map on file with the Medway Town Clerk.

Or to act in any manner relating thereto.

Planning and Economic Development Board

DRAFT





**DRAFT PROPOSED REVISIONS TO OSRD BYLAW**  
**Further revised 2-28, 2011**

WARRANT ARTICLE : To see if the Town will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section T. Open Space Residential Development (OSRD) as follows:

In **Paragraph 1 Purpose and Intent**, delete “discourage sprawl and” in item e) and delete the word “diversity” in item k) and replace it with “diversify”

**Delete Paragraph 4 Pre-Application Phase in its entirety and replace it as follows:**

4. ***Pre-Application Phase***

- a) ***Pre-Application Review*** -The purpose of the 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 a 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 pre-application review, the applicant shall:
- 1) outline the proposed OSRD (including presentation of a preliminary Site Context and Analysis Plan prepared with input from a Registered Landscape Architect)
  - 2) seek preliminary feedback from the Planning and Economic Development Board and/or its agents,
  - 3) review potential open space, trails and trail connections
  - 4) present a preliminary concept for handling stormwater runoff
  - 5) discuss potential mitigation measures pursuant to paragraph 13. B) herein
  - 6) 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.

- b) ***Site Visit*** – As part of a request for a pre-application review, the applicant shall grant permission to Planning and Economic Development Board and Open Space Committee 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.

**Delete Paragraph 5. Four-Step Design Process in its entirety and replace it as follows:**

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 with the assistance of 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 & Potential Development Areas*

1) Identify and delineate Conservation Areas. This includes:

- a. *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)
- b. *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.

2) Identify and delineate Potential Development Area(s). To the maximum extent feasible, the Potential Development Area(s) shall consist of land outside identified *Primary and Secondary Conservation Areas*.

The specific features of the parcel that are proposed to be preserved shall be identified. The Planning and Economic Development Board may require that certain features (including but not limited to specimen trees, stone walls, etc.) within the Potential Development Area be preserved.

b) *Locate Dwelling Unit Sites* - Locate the approximate sites of individual houses and/or attached dwelling units within the Potential Development Area(s) 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 shall 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 Parcel Lines*

A narrative and accompanying illustrations documenting the findings and results of each of the four steps shall be provided.

**Delete Paragraph 6. a) in its entirety and replace it as follows:**

**6. OSRD Application**

- a) Contents - An application for an OSRD Special Permit shall include
- 1) *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.
  - 2) *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. The *Concept Plan* shall show the proposed Development Area(s) and proposed Open Space Parcels 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 ways 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)
  - 3) *Yield Plan* – See Paragraph 7 herein.
  - 4) *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 are being considered.
  - 5) *Mitigation Plan* – Proposed mitigation measures in compliance with Sub-section 13 (b) shall be included as part of the application.
  - 6) 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.
  - 7) *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.

**Delete Paragraph 8. Reduction of Dimensional Requirements in its entirety and replace it as follows:**

8. **Adjustment 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 structure 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.) In order to allow flexibility and creativity in siting building locations while also promoting privacy, buildings shall be separated as follows:

<b>Type/Size of Building</b>	<b>Average Separation Distance (feet)</b>
Single family detached dwelling units with 2500 ft <sup>2</sup> or less of habitable space	20
Two or three attached dwelling units with an average of 2500 ft <sup>2</sup> or less of habitable space each	
Single family detached dwelling units with more than 2500 ft <sup>2</sup> of habitable space	30
Four or five attached dwelling units with an average of 2500 ft <sup>2</sup> or less of habitable space each	
Four or five attached dwelling units with an average of more than 2500 ft <sup>2</sup> of habitable space each	35

The average separation distances shall be calculated based on the buildings that can be connected with an imaginary line that does not cross a roadway. Thus, on a through road, the separation distances on each side of the road shall be calculated separately. On a cul-de-sac, all of the buildings that can be connected by an imaginary line on both sides and around the bulb of the cul-de-sac shall be counted. On a loop road, the buildings on the exterior and interior of the loop will be calculated separately. Detached accessory buildings such as garages or sheds shall not be considered in the calculations.

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 dwelling unit or for other extraordinary circumstances that the Planning and Economic Development Board deems to be in the Town's best interests.

**In Paragraph 9. Open Space Requirements, delete item e) and replace it as follows:**

- 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) Seventy-five percent (75%) 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.
  - 8) Buffer areas in the Development Area as required in Subsection 10 (i).

**In Paragraph 9. Open Space Requirements, delete item g) and replace it as follows:**

g) The Planning and Economic Development Board shall make the final determination regarding the open space parcels. This shall include the location, size, shape, configuration and use of all proposed open space. Following such a determination, the Board may consider this to be an inappropriate contribution of open space and may require additional land to satisfy this requirement.

**In Paragraph 10. General Design Standards, delete item i) in its entirety and replace it as follows:**

i) A minimum fifteen foot (15') wide 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 on the perimeter of the Development Area where it abuts existing neighborhoods 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.

**In Paragraph 10, General Design Standards, delete item j) Parking in its entirety and replace it as follows:**

j) Parking – A minimum of 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.

**In Paragraph 10, Design Standards, add item l) and m) as follows:**

l) Pedestrian circulation measures shall be provided to facilitate movement within the Development Area as well as between it and the Open Space and the abutting existing neighborhood(s).

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.

**In Paragraph 11, Decision of the Planning and Economic Development Board, correct the labeling of item l) to k) and item m) to l).**

Or to act in other manner relating thereto.

Planning and Economic Development Board