

# Transfer of Development Rights (TDR): Proposed Bylaw Amendments

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May 19, 2016  
Memorial Building  
Open House



# AGENDA

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- Key Points & Context
- Current Market
- Overview of the TDR concept
- Framingham's Current TDR Law
- Proposed Changes
- Win-Win



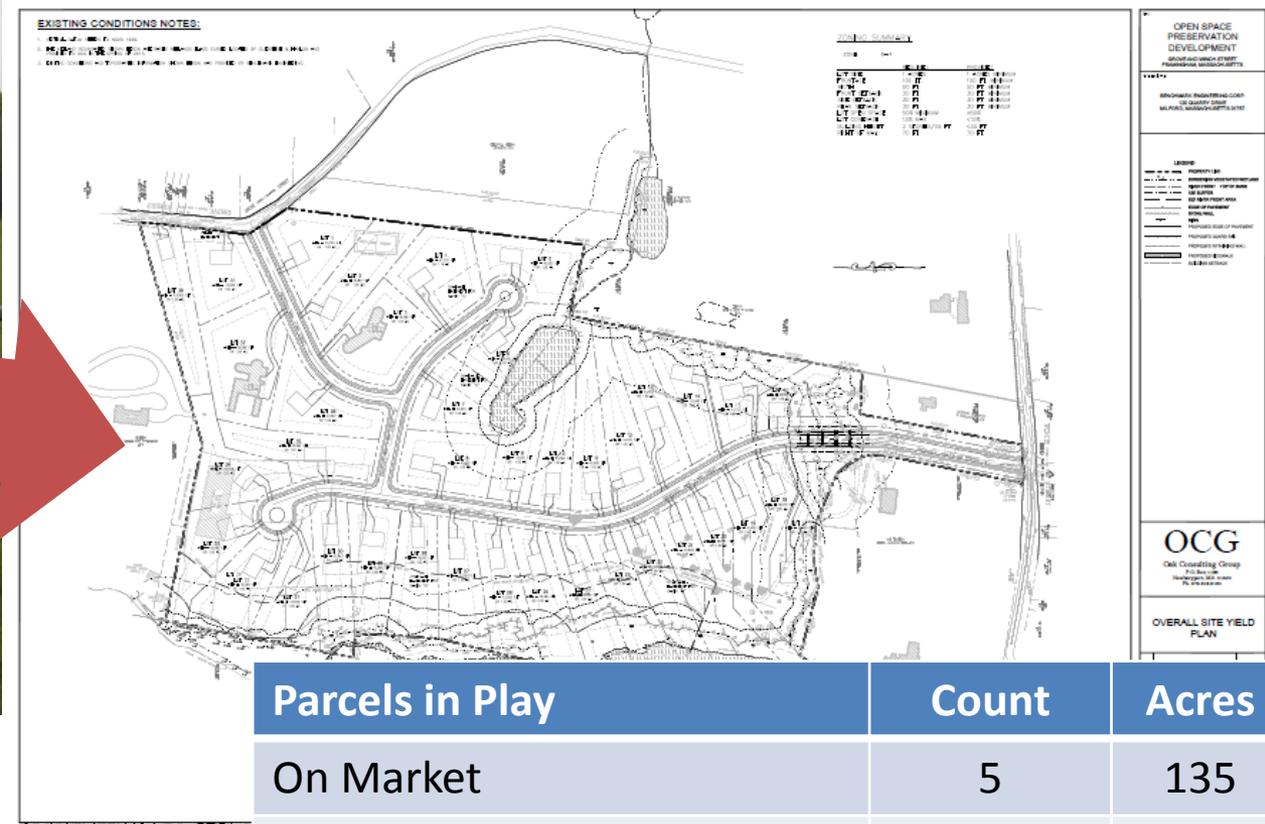
# KEY POINTS

- Open space has market value & protecting it requires resources
- TDR can generate funds that protect open space and shift development to where the Town wants it, without Town investments
- TDR is one of several tools that can protect open space
- Original TDR Bylaw supported by Master Plan
- Current bylaw has not been used in its current form – needs revision to be useful.
- Proposed amendments:
  - Increase dimensional bonuses in Receiving Parcels will increase usability of TDR credits
  - Increase the number of Receiving Parcels, concentrated in nodes with existing density and infrastructure



# CONTEXT

Open Space and Farmland are threatened by development

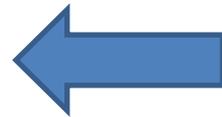
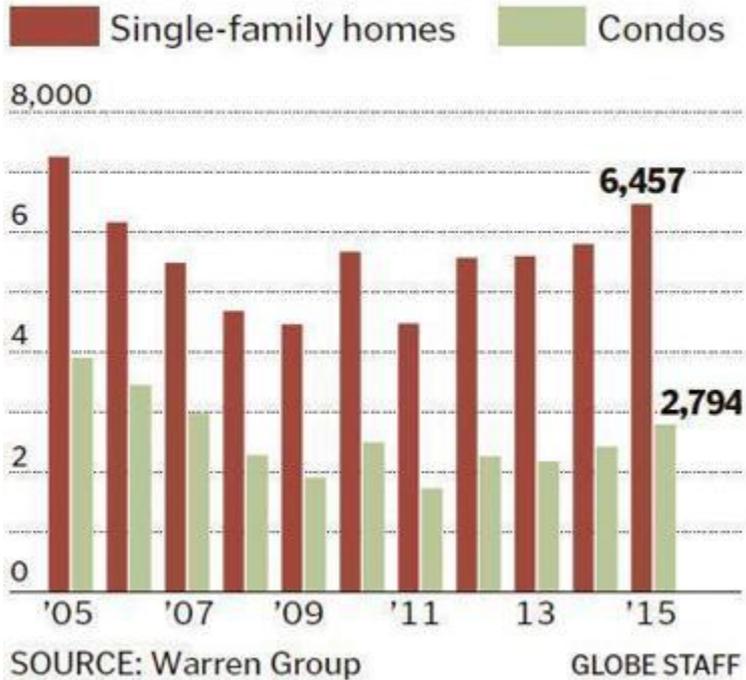


Parcels in Play	Count	Acres
On Market	5	135
Under Discussion	1	68
Before Planning Board	4	121



# CURRENT MARKET CONDITIONS

## June sales in Massachusetts

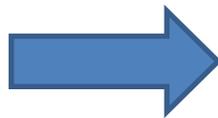


Rising Housing Demand

## Number of Housing Unit Permits in Five-County Greater Boston Region, by Structure Type, 2000-2015



Lagging Housing Supply



Dukakis Center for Urban & Regional Policy [www.northeastern.edu/dukakiscenter](http://www.northeastern.edu/dukakiscenter)



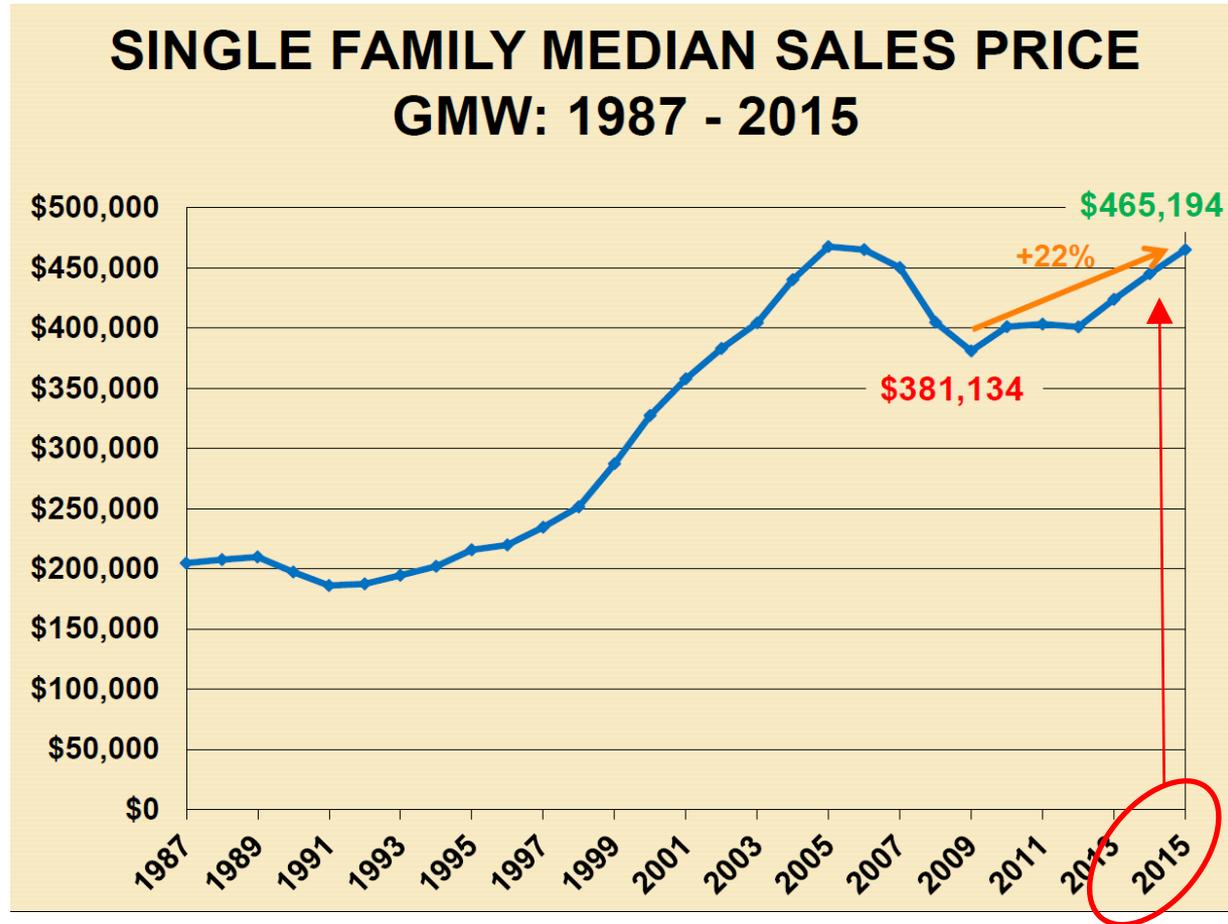
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# CURRENT MARKET CONDITIONS

Rising prices driven by lagging supply & growing demand

High land & construction costs encourage projects targeting “high end” markets



Source: Metrowest Economic Research Center (MERC)



# LAND PRESERVATION TOOLS

- TDR – Transfer of Development Rights

One of several **Zoning Tools** for Agricultural and Open Space Preservation

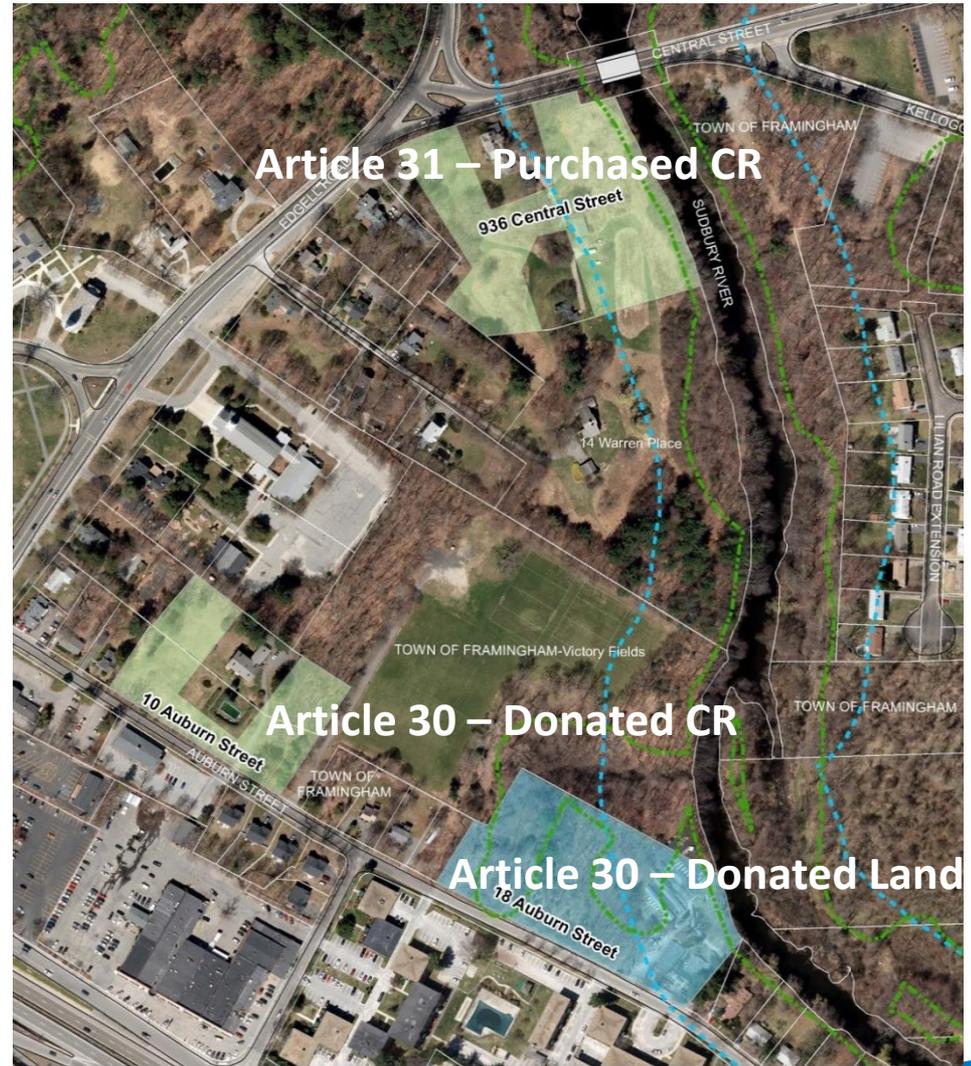
- Transfer of Development Rights (TDR), Section V.O)
- Agriculture Preservation Development (Section V.M)

- D/PDR – Donation or Purchase of Development Rights
- Land Purchase
- CPA – Community Preservation Act
- TDR “Banking”



# TOOLS

- TDR – Transfer of Development Rights
- D/PDR – Donation or Purchase of Development Rights
  - Example – ATM 2016, Articles 30 & 31:
    - Donated land & conservation restriction (CR)
    - Purchased CR
- Land Purchase
- CPA – Community Preservation Act
- TDR “Banking”



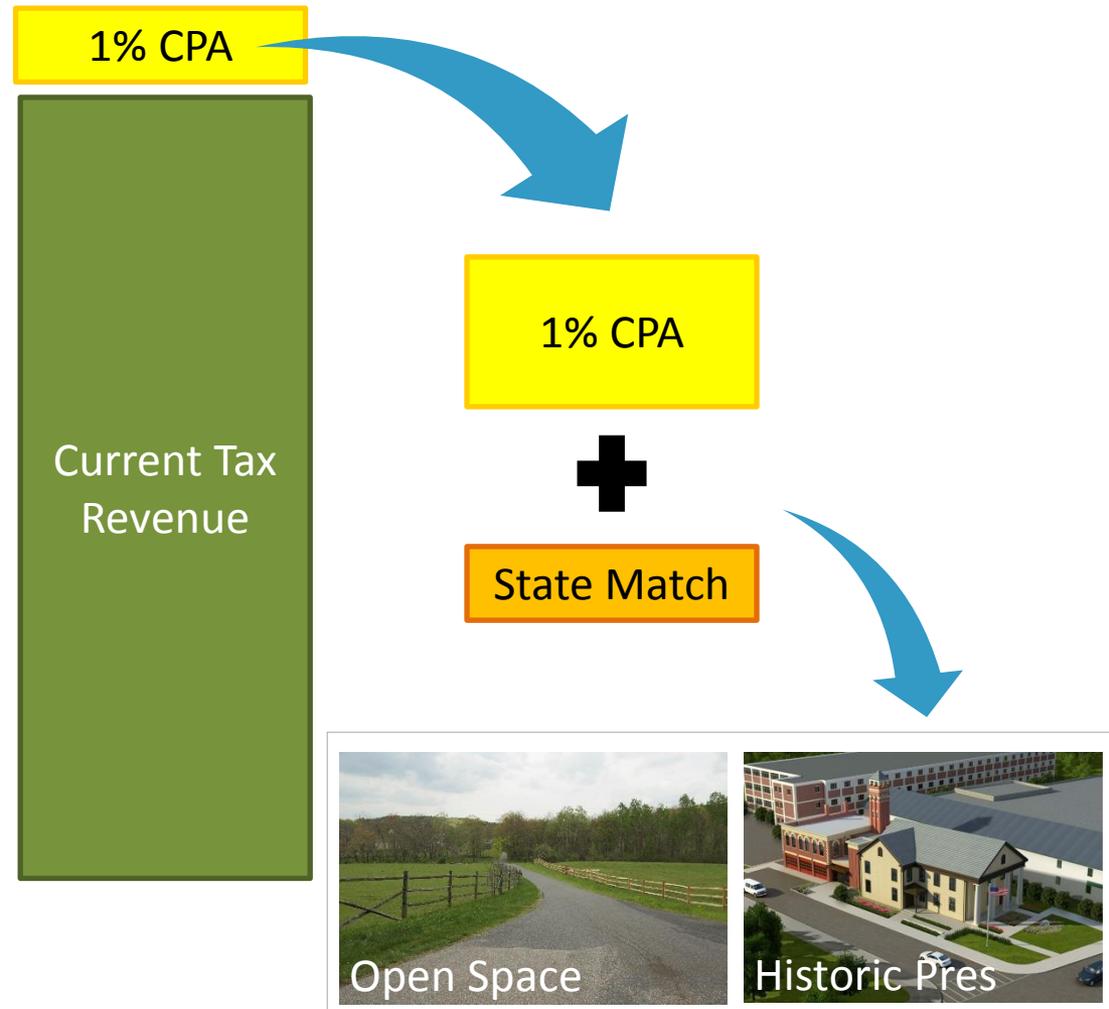
# TOOLS

- TDR – Transfer of Development Rights
- D/PDR – Donation or Purchase of Development Rights
- Land Purchase  
Example – STM 2015 – Snow Property. The Town used State Grant Funds + Town Matching Funds to add Conservation Parcels to Wittenborg Woods.
- CPA – Community Preservation Act
- TDR “Banking”



# TOOLS

- TDR – Transfer of Development Rights
- D/PDR – Donation or Purchase of Development Rights
- Land Purchase
- CPA – Community Preservation Act
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An Option to Explore



# TOOLS

- TDR – Transfer of Development Rights
- D/PDR – Donation or Purchase of Development Rights
- Land Purchase
- CPA – Community Preservation Act
- TDR “Banking”
  - An option to explore
  - Example: Entity purchases TDRs & sells to receiving parcel at a future date
  - Example: Town buys open space & pursues cluster development, maximizing open space while defraying acquisition costs



All solutions  
require  
funding to  
pay for  
development  
rights



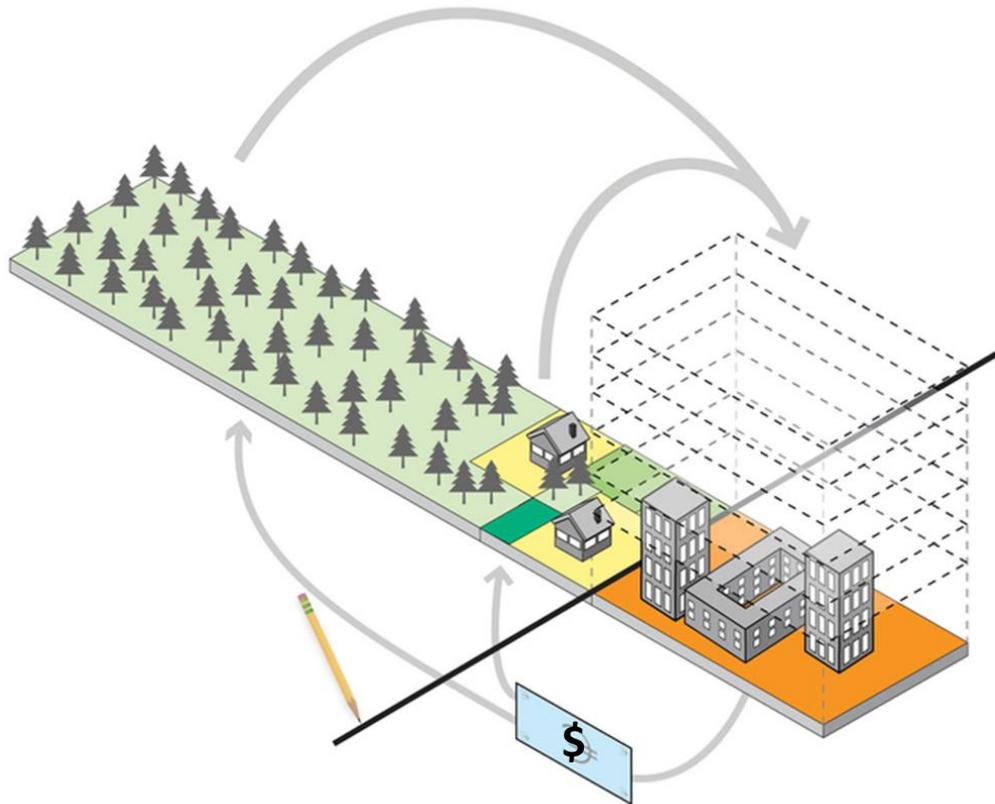
## Land / Conservation Restriction Purchase Sources

- Town Funds – including CPA
- Grant Funds
- Private, Non-Profit – such as Sudbury Valley Trustees
- Public/Private Partnerships – Government funds + private non-profit

## TDR Sources

- Private, For-Profit

# WHAT IS TDR?

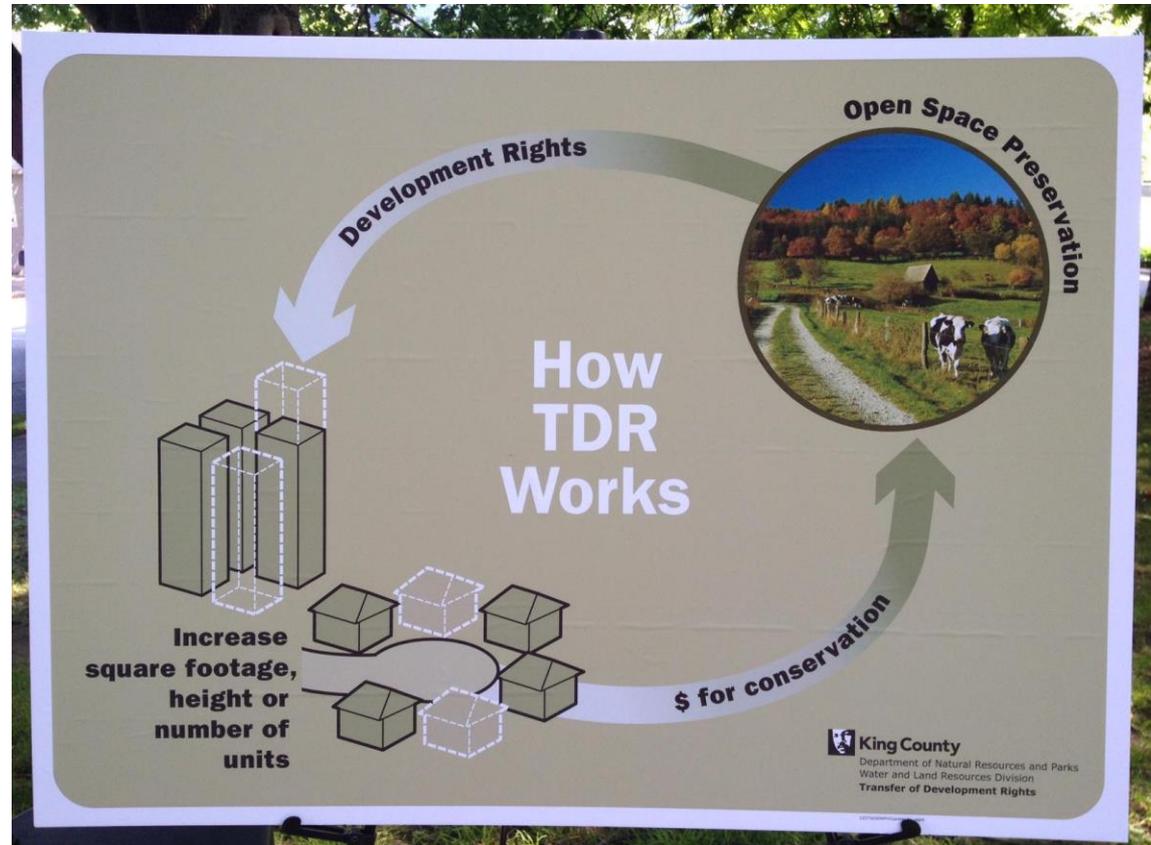


**Transfer of Development Rights (TDR)** is a voluntary, incentive-based program that allows landowners to sell **development rights** from their land to a developer or other interested party who then can use these **rights** to increase the density of **development** at another designated location.



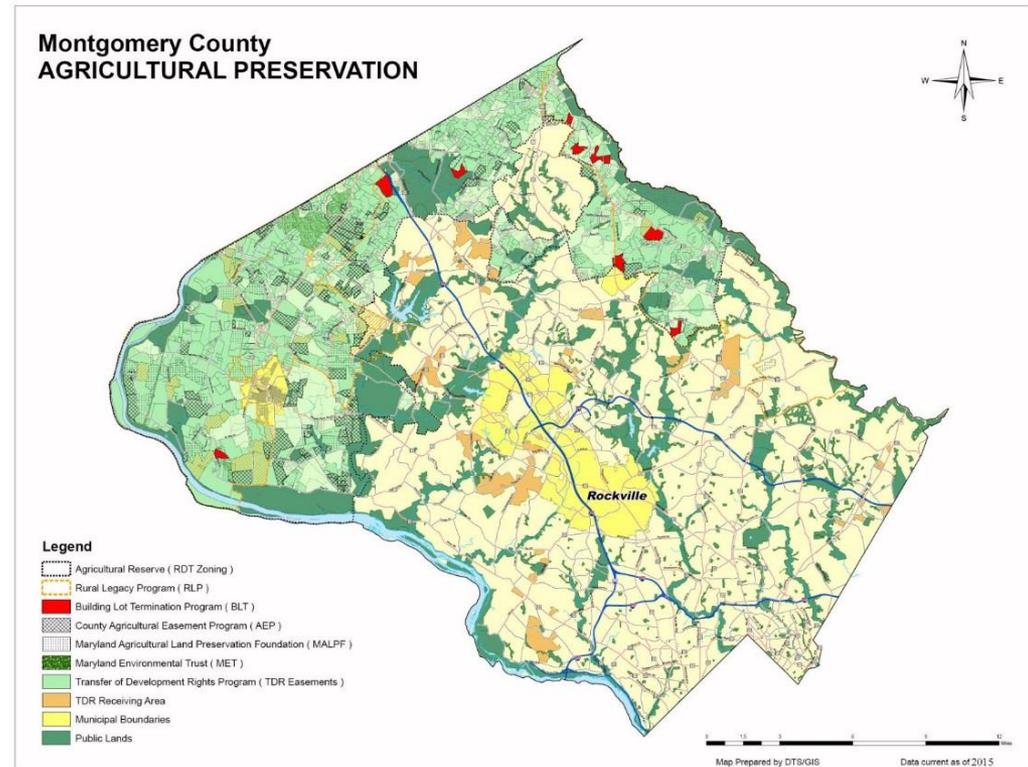
# WHAT DOES TDR DO?

- Preserve open space on GIVING PARCELS
- Add density on RECEIVING PARCELS where there is existing infrastructure and need for more critical mass to support amenities like transit



# Case Studies: Montgomery County, MD

- Suburb of Washington DC
- Maryland has had aggressive statewide smart growth policies since the 1980s
- TDR program was introduced in 1980
- Has preserved over 70k acres through a combination of programs including TDR



# Case Studies: Hadley, MA

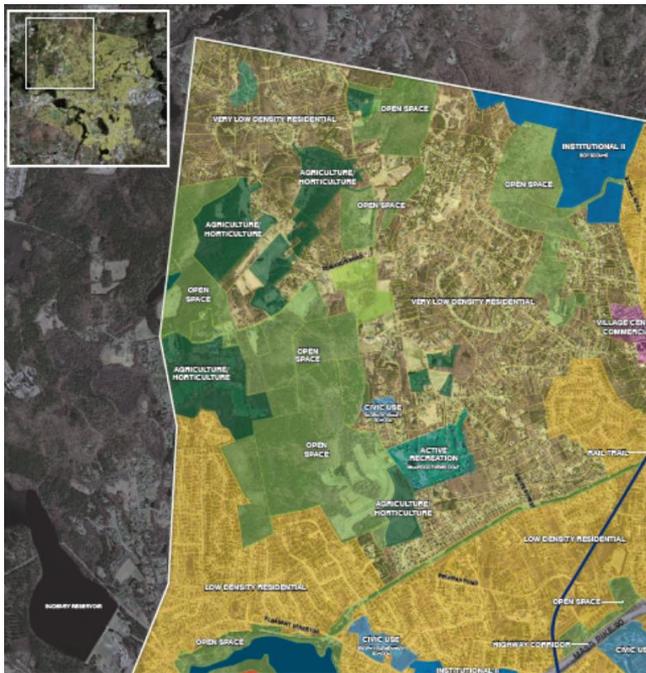
- Farmland Preservation Bylaw adopted in 2000 – one of the first in MA
- Sending areas include parcels at least five acres in size within the Agricultural/Residential Zone
- Receiving sites consist of all lots within the Business and Industrial Zones with frontage on Route 9
- Each TDR (1 one acre of developable farmland) = 2,000 square feet of additional commercial/industrial floor area plus a reduced parking requirement and increased lot coverage
- Leveraged state funds to protect 163 acres of farmland



# 2012 Master Plan – updated in 2014

## The Master Land Use Plan

- Called for Cluster Land Use Plan calls for “Very Low Density Residential” in the Northwest Quad



## The Master Land Use Plan

- Called for Cluster Development and other “alternatives to traditional subdivision” (p.25)



*Two-acre zoning; conventional subdivision  
(34 lots, no preservation)*

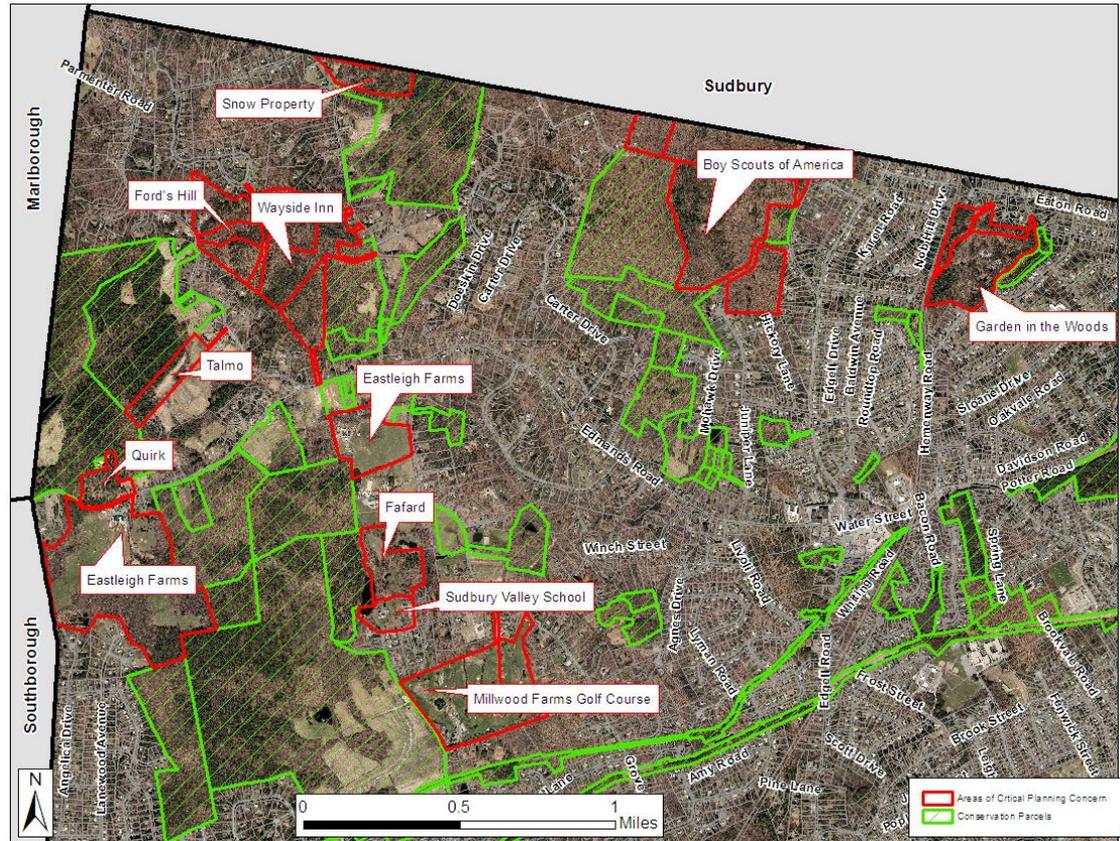


*Natural Resource Protection Zoning (14 lots,  
>75% preservation)*



# 2012 Master Plan – updated in 2014

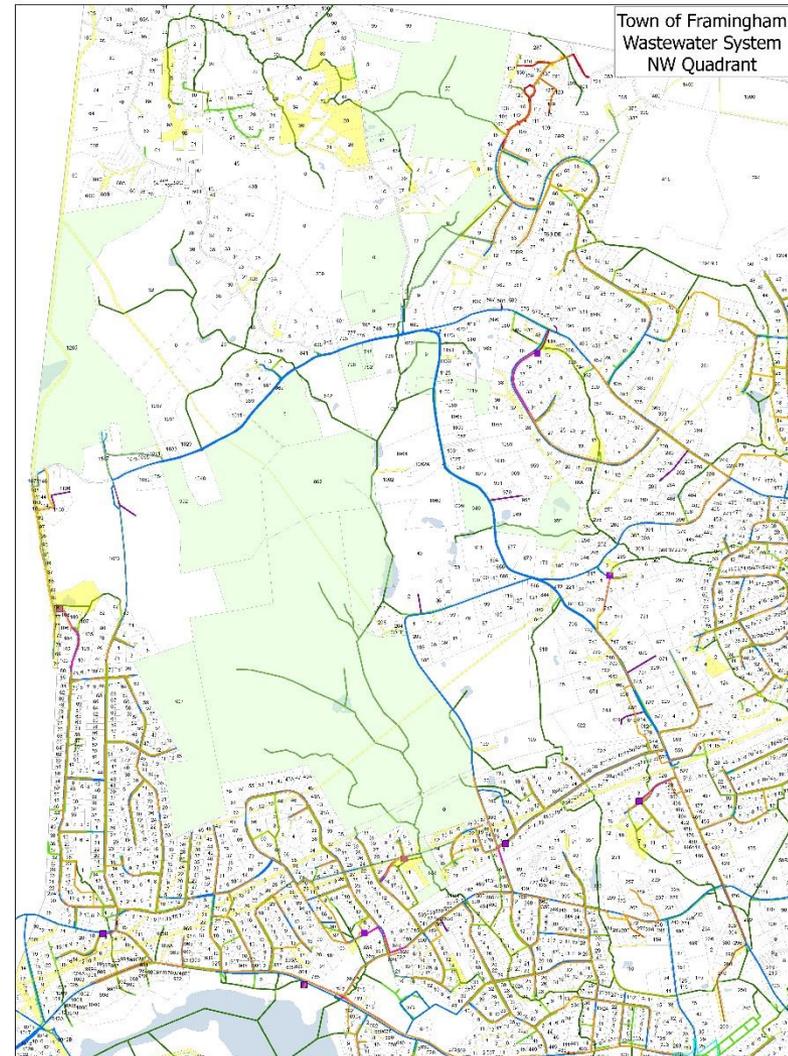
- Identified Numerous “Areas of Critical Planning Concern” (p.13)
- Parcels identified in red are lands open for development
- Parcels identified in green are lands that are preserved



# 2012 Master Plan – updated in 2014

The Master Land Use Plan further requests:

- Careful review before investing in public utility infrastructure (p. 37)



# 2012 Master Plan – updated in 2014

## The Need:

- The preservation of open space and agricultural land for food production

## The Demand:

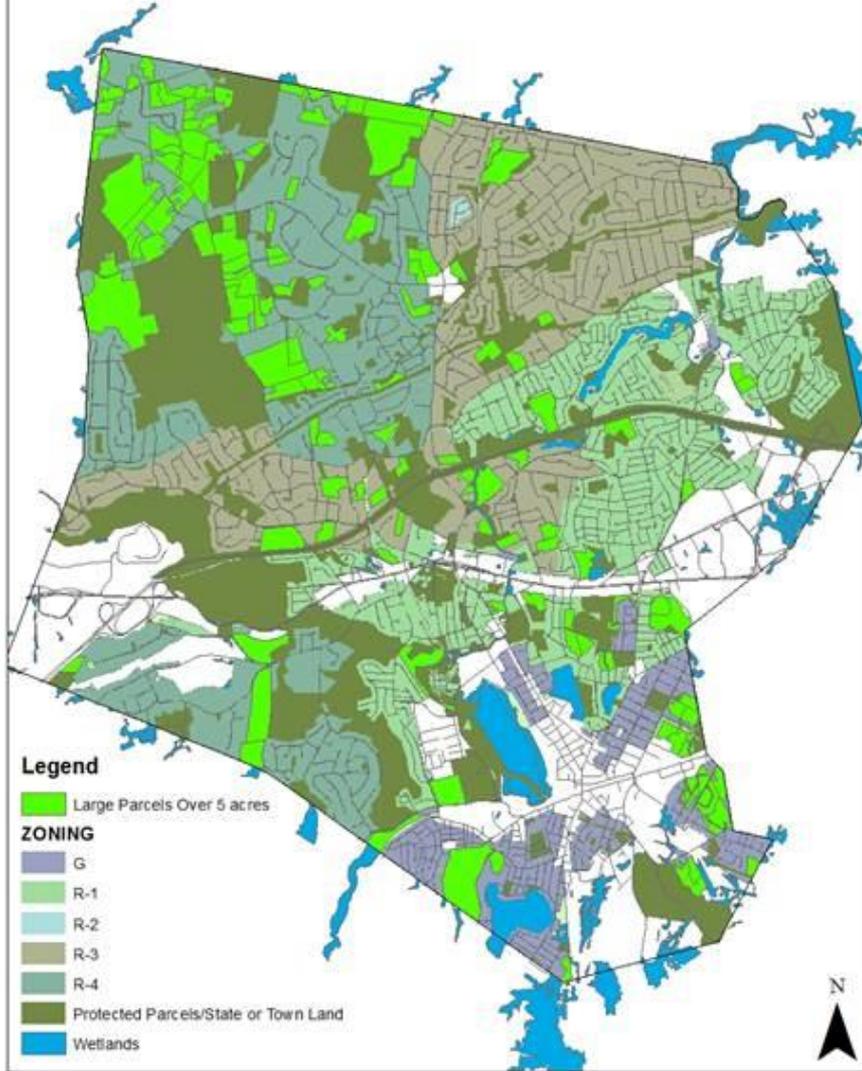
- Support for local agriculture

## The Trends:

- Increase in demand for locally grown foods and



## Giving Parcels - Transfer of Development Rights (TDR)



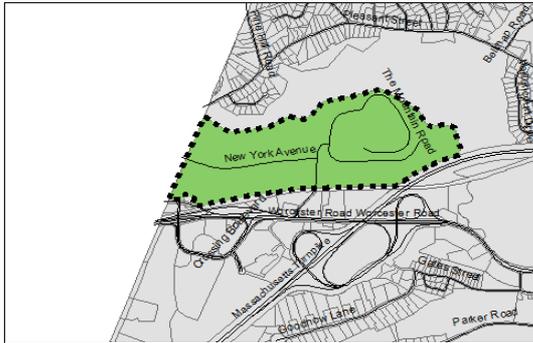
# CURRENT TDR BY-LAW

- Passed in 2015 – ATM Article 41
- The existing TDR By-Law has not been used yet
- Proposing changes to increase usefulness to Town
  - Increase commercial tax base
  - Preservation of Agricultural and Open Space lands

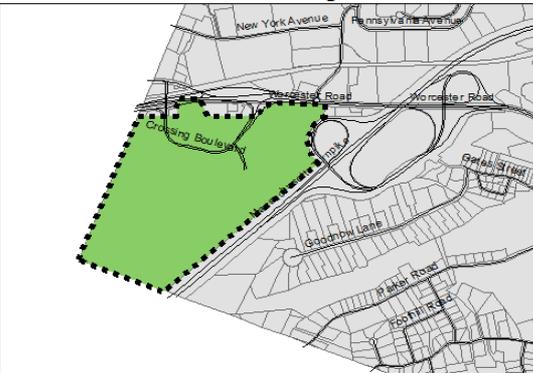


# CURRENT RECEIVING PARCELS

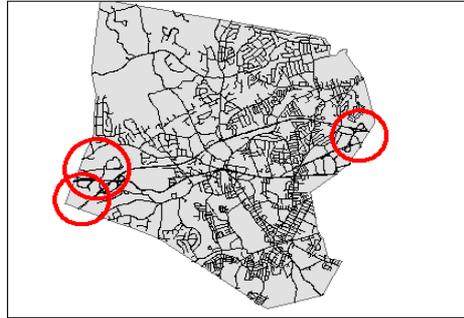
Framingham Technology Park



9/90 Crossing



Priority Development Areas



TJX



1672 Worcester Road, 1800 Worcester Road, 1898RR Worcester Road, 1900R Worcester Road, 1900RR Worcester Road, 100 Crossing Blvd, 149 Crossing Blvd, 150 Crossing Blvd, 175 Crossing Blvd, 200 Crossing Blvd, 225 Crossing Blvd

Currently only

43D Priority

Development

Sites are listed as

Receiving Parcels

Ave, 145 Pennsylvania Ave, 0 New York Ave RR, 1 New York Ave, 2 New York Ave, 31 New York Ave, 33 New York Ave, 45 New York Ave, 47 New York Ave, 49 New York Ave, 51 New York Ave, 55 New York Ave, 74 New York Ave, 84 New York Ave, 86 New York Ave, 86R New York Ave, 88 New York Ave, 92 New York Ave, and 0 Pleasant Street.



# TDR Zoning Process

Multiple parcels with substantial open space on market, but no TDRs sold

2015

- First TDR bylaw implemented in 2015

March 22

- As a result of concerns by the Agricultural Commission, staff makes a presentation to Selectmen & PB on threats and recommendations

April 8

- Letter to Selectmen from Planning Board requesting referral for Public Hearing

April 25

- SCPZ meet to discuss proposals

May 4

- Staff presentation to Board of Selectmen – review of proposed Giving & Receiving Areas

May 16

- PB Opens Public Hearing (May 16, 2016) + Continued Public Hearing (May 19, 2016)

May 24

- Proposed Special Town Meeting to discuss



# GIVING PARCELS

- Any parcel in a residential district (R-1, R-2, R-3, R-4, and G)
- Minimum lot size – 5 acres as defined in the Zoning By-Law
- Must establish yield plan – not including unbuildable land (wetlands/slopes)
- Must establish Conservation Restrictions (CR)/Agricultural Preservation Restriction (APR)



# GIVING PARCELS

## Giving Parcels (located in R-1, R-2, R-3, R-4, and G)

- Roughly 57 Giving Parcels
- 15 Giving Parcels under Chapter 61/61A
- Estimated total Development Rights: 4,023,500sf

### Estimated Giving Parcel Information

R-4 TDR Lots Aval.	393 Lots	2,554,500sf
R-3 TDR Lots Aval.	189 Lots	1,134,000sf
R-2 TDR Lots Aval.	0 Lots	0sf
R-1 TDR Lots Aval.	67 Lots	335,000sf
G TDR Lots Aval.	0 Lots	0sf

(Estimated - a land survey would need to be conducted to verify actual number of Giving Parcels)



# GIVING PARCELS

No changes proposed in giving parcels or to how much area can be transferred to a TDR receiving parcel

**Transfer of Development Rights Residential Building Size Chart**

<b>Giving Parcel Zoning District</b>	<b>Residential Building Size</b>
Single Family Residential (R-4)	6,500 square feet
Single Family Residential (R-3)	6,000 square feet
Single Family Residential (R-2)	5,500 square feet
Single Family Residential (R-1)	5,000 square feet
General Residential (G)	4,500 square feet

Amount that can be transferred per legal lot based on yield plan.



# PROPOSED CHANGES

1. Increase Receiving Area Dimensional Bonuses
  - Increase in height
  - Increase in Floor Area Ratio (FAR)
2. Increase Receiving Parcels?
  - Manufacturing and Business Zones
  - East Transfer of Development Rights District
  - West Transfer of Development Rights District



# 1. Increase in Dimensional Bonuses

- Increase in height to allow for increase use of Development Rights
- Results in a review of the Floor Area Ratio (FAR) to allow for developers to utilize the height and lot

	Maximum Increase in Building Height/Additional Floors	Maximum Increase in Lot Coverage	Maximum Increase in FAR
Receiving Parcel Development Rights <del>Chapter 43D Priority Development Sites</del>	<u>4</u> <del>35%*</del>	15%*	[1.0*]



## 2. Increase receiving parcels?

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- East Transfer of Development Rights (TDR) Overlay District
- West Transfer of Development Rights (TDR) Overlay District





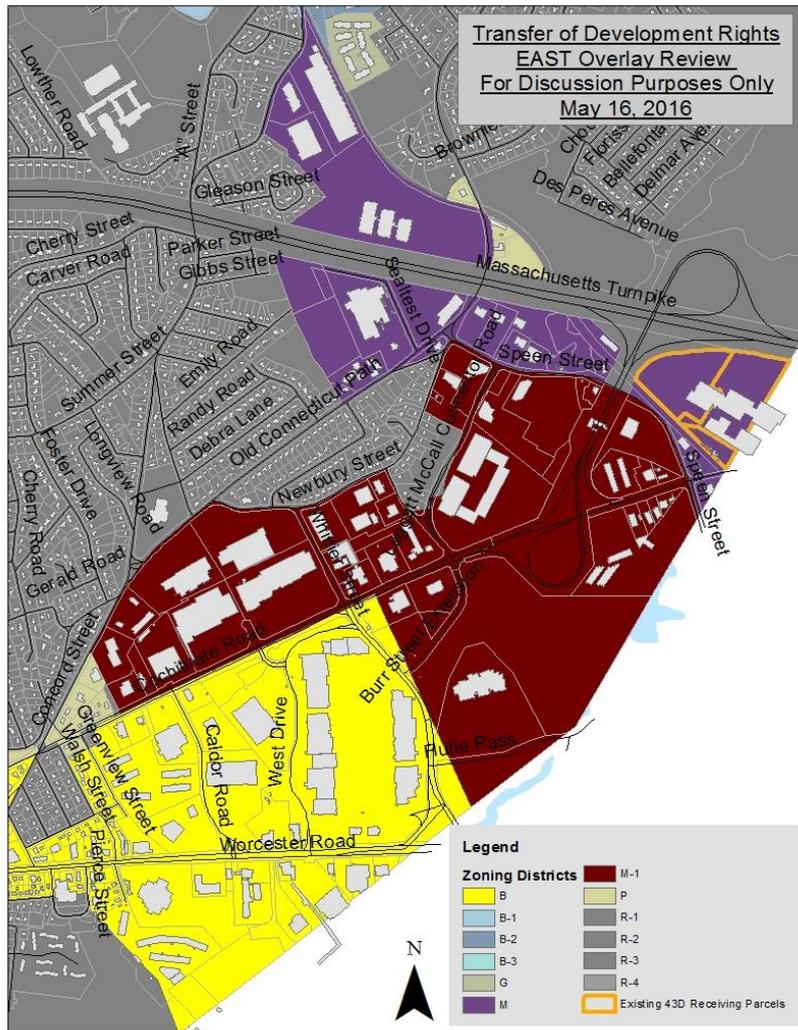
# TDR West Overlay

Includes:

1. Technology Park
2. 9/90 Corporate Center



# Underlying Zoning Districts



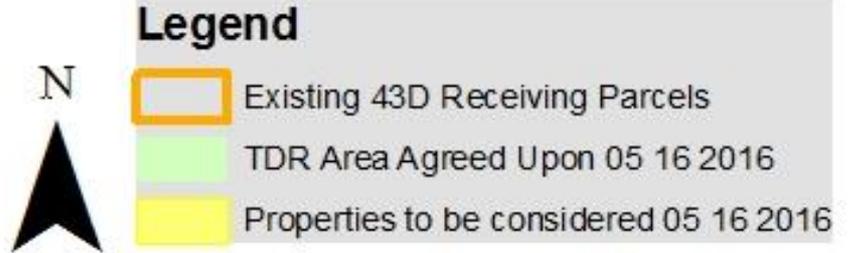
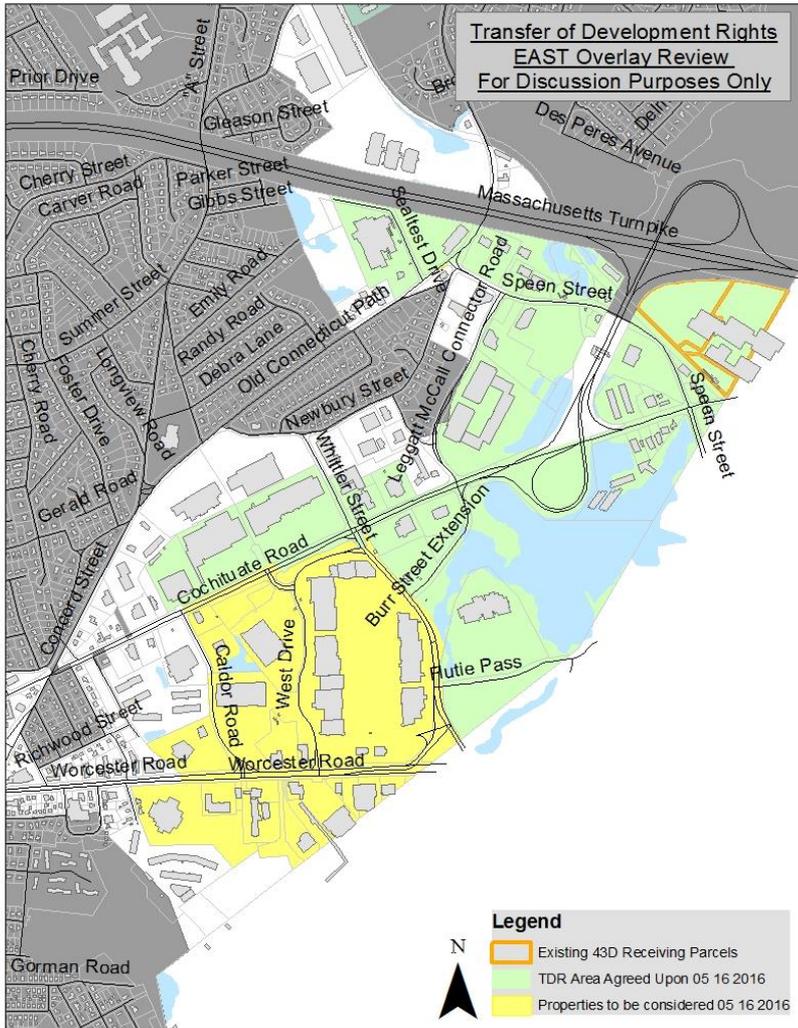
Areas of review for potential TDR receiving areas. Underlying zoning includes:

- General Manufacturing (M)
- Light Manufacturing (M-1), and
- Business (B)





# TDR EAST OVERLAY PARCELS



General Manufacturing,  
Light Manufacturing, and  
Business District parcels  
minus most parcels  
within 500 feet of  
residential zoning district



# WIN - WIN

Open Space is protected from future development with Conservation Restrictions (CR)/Agricultural Preservation Restriction (APR)

New development goes into areas with existing capacity to absorb growth and create opportunities for transit and amenities that density allows.



# KEY CONCEPTS

- Open space has market value
- TDR is one of several tools that can protect open space
- TDR can generate funds that protect open space and shift development to where the Town wants it
- Original TDR Bylaw supported by Master Plan
- Current bylaw has not been used in its current form – needs revision to be useful.
- Proposal to increase dimensional bonuses in Receiving Parcels will increase usability of TDR credits
- Proposal to increase the number of Receiving Parcels is concentrated in nodes with existing density and infrastructure that are not yet built out.



# Questions/Comments?

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