



FRAMINGHAM PLANNING BOARD

MEMORIAL BUILDING • ROOM B-37 • 150 CONCORD STREET • FRAMINGHAM, MA 01702
TELEPHONE [508] 530-5450 • FAX [508] 532-5722 • EMAIL: jwg@framinghamma.gov

Planning Board Members:
Andrea Carr-Evans, Chair
Susan P. Bernstein, Vice-Chair
Christine Long, Clerk
Thomas F. Mahoney
Carol J. Spack

Planning Board Staff:
John W. Grande, AICP, Director
Amanda L. Loomis, Associate Program Planner
MaryRuth Reynolds, Administrative Assistant

MEMORANDUM

To: Town Meeting
From: Framingham Planning Board
Date: September 21, 2011
Re: Special Fall Town Meeting
Background Materials for Zoning Amendment Warrant Articles

The Planning Board has submitted the following Zoning By-law and Zoning Map Warrant Articles for the Special Fall Town Meeting 2011.

- **Article __ Open Space Residential Development** To amend Section IV.M. Open Space Residential Development of the Framingham Zoning By-law to allow for Open Space Residential Developments in the R-1 zoning district by Special Permit.
- **Rezoning of 474, 480, 486, 492, 498, and 506 Concord Street and portion of 7 Lindbergh Road.** To rezone the following parcels: 474, 480, 486, 492, 498 and 506 Concord Street, and that portion of Concord Street and Lindbergh Road abutting said lots to the centerline of Concord Street and Lindbergh Road, and a portion of 7 Lindbergh Road, from General Business District (B) and Single Family Residence District (R-1), to Community Business District (B-2).

Attached is a copy of the zoning amendments showing the specific changes.

The Planning Board will hold a public hearing on these zoning amendments on October 6, 2011 at 7:45 p.m.

The Planning Board intends to make a presentation on the zoning amendments at Town Meeting. If there are any changes that result from the public hearings, these changes will be provided on the table at Town Meeting.



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ARTICLE _____: Amend Zoning Bylaw- Open Space Residential Development

To see if the Town will vote to amend the Framingham Zoning By-law Section IV.M. Open Space Residential Development as presented in the background information in the warrant submitted to Special Town Meeting.

Pass any vote or take any action relative thereto.

Sponsor: Planning Board

ARTICLE _____ Background Material- Version Showing Proposed Changes

M. OPEN SPACE RESIDENTIAL DEVELOPMENT

1. Purpose and Intent

The purpose of this Section is to allow, by special permit from the Planning Board, an alternate pattern of land development to the standard subdivision permitted in the single family residential districts (R-3 and R-4) in order to provide for the public interest:

- a. by encouraging the preservation of open space and natural landscape features in perpetuity;
- b. by encouraging creative site planning and design for the efficient use of land in harmony with its natural features through development which is designed to accommodate and protect a site's natural physical characteristics such as topography, vegetation and wildlife habitat, wetlands and other water resources as well as, open spaces such as farmlands and meadows;
- c. by preserving significant natural, historical or archaeological resources, including major scenic views; and
- d. by creating residential neighborhoods that provide opportunities for social interaction, such as walking and hiking in open space areas.

The intent of this Section is to guide development consistent with the Town's Comprehensive Land Use Plan and the Town's Open Space Plan, and the Town's Preservation Plan in order to establish flexible residential development standards and procedures that will support these objectives.

2. Applicability

Open Space Residential Development (OSRD) shall be allowed, by special permit, within "Single Family Residence" R-1, R-3 and R-4 Zoning Districts, subject to the requirements of this By-Law for those districts, and in accordance with the additional requirements and standards specified herein. The Planning Board shall be the Special Permit Granting Authority (SPGA) for all special permits issued under this Section. The Planning Board may issue a special permit under this Section, subject to the requirements of this By-Law, and in accordance with the additional requirements and standards specified within this Section IV.M., only if no variances have been issued from the requirements of this Section IV.M.

3. General Requirements

- a. Any parcel or parcels of land in one ownership, or any combination of parcels of land consolidated under a Purchase and Sale agreement or any combination of contiguous parcels of land owned by two or more property owners where all such owners jointly apply for an OSRD Special Permit, in all cases, with definite boundaries ascertainable from a recorded deed or recorded plan, located within a zone permitting Open Space Residential Development and which may be developed as a conventional subdivision, may be considered for an Open Space Residential Development subject to a special permit. Such parcel or parcels to be included in an Open Space Residential Development Special Permit shall be defined herein as the OSRD tract.

- b. After an Open Space Residential Development application has been submitted, no tree removal, no utility installation, no ditching, grading or construction of roads, no grading of land or lots, no excavation except for purposes of soil percolation testing, no dredging or filling, and no construction of buildings or structures shall be done on any part of the development site until the application has been reviewed and a decision issued, as provided by these regulations.

4. Open Space Residential Development Standards

a. **Permitted Uses:** Permitted Uses in an OSRD shall be detached single family dwellings in the R-1, R-3 and R-4 District, except that in the R-1 District attached or detached single family dwellings or a zero line lot layout may be approved, accessory uses associated with residential uses as may be permitted in the Single Residence District, and accessory facilities owned and operated by the owner of the OSRD or the residents, such as building and grounds maintenance facilities, and recreation facilities and other uses noted under subsection 4.g. Use of Common Open Space, herein.

b. **Minimum OSRD Tract Size:**

- (1) The total area of the OSRD tract proposed for Open Space Residential Development shall be at least six (6) contiguous acres in the R-1 District and ten (10) contiguous acres in the R-3 and R-4 Districts. The OSRD tract must have at least 40 feet of frontage on an existing Town way. While existing public and private ways need not constitute boundaries of the OSRD tract, the area within such ways shall not be counted in determining its size.
- (2) The Planning Board may permit lots on directly opposite sides of a street to qualify as a single OSRD tract of land. To permit such division of an OSRD tract of land by a street, the Planning Board must find that this would comply with the purposes of this section and not result in any more dwelling units than would be possible in accordance with the provisions of this Bylaw if the lots on either side of the street were developed separately. If the Planning Board approves an OSRD tract of land divided by a street, it may permit the total number of permitted dwelling units to be constructed on either side of the street, subject to the Dimensional Regulations and Design Standards under subsection 4. herein.

c. **Density:** The number of dwelling units in an OSRD shall be calculated as follows.

- (1) **Density Yield Plan for Parcels Located Within R-3 and R-4 Districts:** The number of building lots which the Planning Board finds would be permitted by a conventional subdivision under the zoning requirements of the Zoning By-Law (other than the Special Permit provisions under this Section IV.M.) and all applicable land use regulations in the district (including wetlands protection), and complying with the Subdivision Rules and Regulations, as demonstrated by a preliminary subdivision density yield plan. Major site features and constraints to development should be delineated on this plan. In parcels located in areas not serviced by public sewer, and not proposed for extension of public sewer, the applicant must certify that each lot identified on the plan is buildable, as evidenced by a soils percolation test, consistent with Title 5. In parcels located partly in more than one district, no more than the total number of lots which would be permitted under the zoning requirements of the

Zoning By-Law (other than the Special Permit provisions under this Section IV.M.) in the combined districts, and complying with Subdivision Rules and Regulations, shall be permitted.

Such Density Yield Plan shall be submitted, as provided under Section 5 Special Permit Application and Procedures, herein. The applicant is encouraged to submit such material to the Planning Board office early in the development process, prior to submittal of a completed application, for verification and acceptance of the proposed development density.

(2) Density Yield Calculation for Parcels Located Within R-1 Districts and Connected to Public Sewer:

The number of building lots obtained by dividing the area of the OSRD tract (in sq. ft.) by 5,000 square feet in the R-1 District; however, for the purposes of the Density Yield Calculation herein, areas inherently unsuitable for development from a legal and practical sense which include areas of wetlands, water bodies, floodways, land that does not meet the moderate slope requirement, land which is not accessible, and land prohibited from development by reason of legally enforceable restrictions, easements or covenants shall be excluded from the OSRD tract area in the Density Yield Calculation of permissible building lots. Such Density Yield Calculation shall be shown on a Density Yield Plan submitted, as provided under Section 5 Special Permit Application and Procedures herein. The applicant is encouraged to submit such material to the Planning Board office early in the development process, prior to submittal of a completed application, for verification and acceptance of the proposed development density. The calculation of dwelling unit density yield on parcels located in the R-1 District which are not proposed to be on public sewer shall be in accordance with method (1) above.

d. Dimensional Regulations: The Planning Board may grant a reduction of all dimensional regulations, specified in Section IV.G. for the zoning district, for all portions of an Open Space Residential Development, if the Planning Board finds that such reduction will result in better design, improved protection of natural and scenic resources, and will otherwise comply with these regulations, provided that in no instance shall any residential building lot deviate from the following Requirements:

- (1) **Minimum Lot Area:** Each lot within an OSRD shall have a minimum lot area of 5,000 square feet in the R-1 Single Residence District, a minimum lot area of 12,000 square feet in the R-3 Single Residence District, and shall have a minimum lot area of 20,000 square feet in the R-4 Single Residence District where public sewer or a community sewage collection and treatment system is provided.
- (2) **Minimum Frontage and Lot Width:** Each lot within an OSRD shall have a minimum frontage and width requirement of forty (40) feet.
- (3) **Minimum Lot Width at Building Line:** Each lot within an OSRD shall have a lot width of not less than (45) feet in the R-1 District and sixty-five (65) feet in the R-3 and R-4 Districts in all directions where residential buildings or accessory structures are located.

- (4) **Minimum Front Setback Requirement:** The minimum front setback within an OSRD shall be (20) feet in the R-1 District, except that the minimum lot frontage may be reduced to (10) feet when the garages are located to the rear of the residential unit and thirty (30) feet in the R-3 and R-4 Districts.
- (5) **Building Location Requirements:** No structure shall be located within thirty (30) feet of a residential structure on another lot in the OSRD tract in an R-3 zone, or within forty-five (45) feet of a residential structure on another lot in the OSRD tract in an R-4 zone, or within thirty (30) feet of the nearest point of the layout of a common drive, or within thirty (30) feet from the sideline of a street, or within thirty (30) feet of the Common Open Space (as set forth under subsections f., g., and h. herein), or within fifty (50) feet of the side boundaries of the OSRD tract. No structure in an R-1 District shall be within ten (10) feet of the nearest point of the layout of a common drive, or within fifteen (15) feet from the sideline of a street, or within fifteen (15) feet of the Common Open Space (as set forth under subsections f., g. and h. herein), or within fifteen (15) feet of the side boundaries of the OSRD tract. The Planning Board may require increased setbacks of buildings within the OSRD from some or all of the boundaries of the OSRD tract. A landscaped or natural vegetative area along the OSRD tract boundaries may be required, as appropriate, in order to provide a physical or visual separation between abutting uses. Natural vegetation should be retained in this vegetative area, whenever possible.
- (6) **Building Height Requirements:** The maximum building height shall not exceed the building height requirements as specified for the district under Section IV.G. herein.
- (7) **Maximum Building Lot Coverage:** The maximum building lot coverage shall not exceed thirty-five (35) percent in the R-1 District and twelve (12) percent in the R-3 and R-4 Districts.
- (8) **Maximum Number of Dwelling Units per Building and Maximum Number of Buildings per Lot excluding garages:** The maximum number of residential dwelling units per building is three.
- (9) **Limitation on Residential Unit Location:** Residential dwelling units shall not be stacked one or more on top of each other.
- (10) **Limitation on the Number of Detached Garages:** The maximum number of detached garage buildings is one per lot.

e. Streets and Utilities: All streets, drainage, water and sewer facilities and systems and other utilities, whether public or private, shall be designed and constructed in accordance with the Design Standards and Specifications set forth in the of the “Rules and Regulations Governing the Subdivision of Land in the Town of Framingham”, as amended. Infrastructure systems shall be designed to minimize impacts on adjacent properties to the OSRD and to achieve cost saving both in terms of installation and maintenance by such techniques as reducing the distance over which utilities, such as water and sewer lines, need to be extended or by reducing the width or length of streets. The OSRD shall be designed to optimize to treat stormwater drainage by decreasing or minimizing nonpoint source pollution impacts by reducing the amount of impervious surfaces in the site development.

Waivers to the Subdivision Rules and Regulations may be authorized by the Planning Board in granting a special permit hereunder, in accordance with Massachusetts General Laws, Chapter 41, Section 81R, provided the Board

determines such exceptions are in the public interest and are not inconsistent with the purposes of this Section, the Subdivision Rules and Regulations, and the Zoning By-Law.

f. Common Open Space Design Standards

- (1) Within an Open Space Residential Development, no less than forty percent (40%) of the land area shall be devoted to Common Open Space in an R-4 District, and no less than twenty-five percent (25%) of the land area shall be devoted to Common Open Space in the R-1 and R-3 Districts. The Common Open Space shall not include land set aside for roads or residential parking, nor shall it include the residential building lots. No more than fifty percent (50%) of the Common Open Space shall contain wetlands as defined by Massachusetts General Laws, Chapter 131, Section 40.
- (2) Common Open Space shall be designed and planned as large, contiguous units, whenever possible, with logical boundaries. Strips or narrow parcels of Common Open Space shall be permitted only when necessary for access, when necessary to connect to other significant areas, when they are designed to protect linear resources such as trails or streams, or as vegetated buffer strips along the site's perimeter where the Planning Board finds that such strips are deemed appropriate and consistent with the purpose of the OSRD.
- (3) Common Open Space may be set aside in more than one parcel provided that the size, shape and location of such parcels are suitable for the designated uses.
- (4) Common Open Space shall be designed as part of larger continuous and integrated open space systems. Whenever possible, it should connect with existing or potential conservation or open space areas on adjoining parcels.
- (5) The Common Open Space shall include adequate upland access from a way or street.
- (6) The Common Open Space shall generally be directly accessible to each dwelling unit in the OSRD, unless the Planning Board finds that, due to topography or other conditions, this access is not practical.
- (7) The Common Open Space shall have a shape, dimension, character and location suitable to assure its use for park, recreation, conservation, or agricultural purposes. The Common Open Space shall include the most sensitive resource areas of a property. In determining whether the intent of this section has been satisfied, the Planning Board shall consider the extent to which land having one or more of the following characteristics is included in the proposed open space:
 - (a) Land which enhances or protects wetlands or floodplain adjacent to a water body, or which provides public access to the water body, or which provides water related recreational opportunities;
 - (b) Land which currently is in agricultural use or land which is suitable in size, location and soil characteristics for agricultural use;
 - (c) Land which provides a significant wildlife habitat or which is a unique natural area;

- (d) Land which is to be developed for active recreational use including playing fields, boat launching areas, playgrounds, and neighborhood parks;
- (e) Land which preserves existing trail networks or land on which new trails will be developed, for integration into an existing trail network;
- (g) Land which enhances or provides significant scenic vistas or views, or which provides scenic roadside views for persons passing the site or overlooking it from nearby properties;
- (h) Land providing desirable public access to existing recreational or conservation land.

g. Use of Common Open Space

- (1) Common Open Space shall be identified as such on the Concept Plan, and submitted in accordance with Section 5 herein and, subject to appropriate municipal approvals as needed, shall be dedicated for conservation, active and passive recreation, park purposes, outdoor and/or environmental education, forestry, agriculture, or horticultural uses, natural buffers, maintenance structures necessary for approved uses, utilities, and other facilities necessary for the convenience and enjoyment of the residents of the OSRD tract.
- (2) A portion of the Common Open Space may also be used for ways serving as pedestrian walks, bicycle paths and emergency access or egress to the OSRD or adjacent land, if it is determined that such a use is consistent with the purpose and intent of the Open Space Residential Development.
- (3) A portion of the Common Open Space may also be used for the construction of leaching areas associated with septic disposal systems serving the OSRD or for water supply wells serving the OSRD, if the Planning Board determines that such use will enhance the specific purpose of Open Space Residential Development and promote better overall site planning. Septic disposal easements shall be no larger than reasonably necessary.
- (4) The Common Open Space shall be subject to easements for the construction, maintenance, and repair of utility and drainage facilities serving the OSRD or adjacent parcels.
- (5) The Common Open Space shall remain unbuilt upon, except that an overall maximum of five percent (5%) of such land may be subject to pavement and structures accessory to the dedicated use or uses of the Common Open Space.
- (6) The proposed use of the Common Open Space shall be specified on a Land Use Plan, and appropriate dedications and restrictions shall be part of the deed to the Common Open Space.

h. Common Open Space Ownership and Maintenance

- (1) Common Open Space may be conveyed in whole or in part: (a) to the Town of Framingham (subject to approval by Town Meeting and all other appropriate municipal authorities), and may be accepted by it for park, recreation, open space and/or conservation use; (b) to a nonprofit organization, the principal purpose of which is the conservation of open space and/or any of the purposes and uses to which the Common Open Space is to be dedicated; and/or (c) to a corporation, homeowners association or trust

owned or to be owned by all of the owners of lots or dwelling units within the OSRD. If such a corporation, homeowners association, or trust is utilized, ownership thereof shall pass with conveyances of the lots or residential units

- (2) The proposed ownership of all Common Open Space shall be shown on the Land Use Plan for the OSRD.
- (3) If any portion of the Common Open Space is not to be conveyed to the Town of Framingham, then a perpetual restriction of the type described in M.G.L. Chapter 184, sections 31 - 33 (as may be amended), approved by the Planning Board and running to and enforceable by the Town or such department or official who may be delegated this authority, shall be imposed on the use of such land, providing in substance that the land be kept in its open or natural state and that the land shall not be built upon or developed or used except in accordance with provisions of an OSRD as set forth herein.
- (4) Common Open Space shall not be permitted to be divided into individual backyard areas.
- (5) At the time of its conveyance, the Common Open Space shall be free of all encumbrances, mortgages or other claims (including pre-existing conservation easements or restrictions), except as to easements, restrictions and encumbrances required or permitted by this OSRD By-Law.
- (6) If any portion of the Common Open Space is conveyed to a corporation, homeowners association, or trust of the homeowners of the dwelling units in the OSRD, then, the following shall be required. In order to ensure that the grantee will properly maintain the land deeded to it under this section, the developer shall cause to be recorded in the appropriate Registry of Deeds, a Declaration of Covenants and Restrictions which shall, at a minimum, provide for (a) mandatory membership in an established corporation, homeowners association, or trust, as a requirement of ownership of any residential unit or lot in the OSRD tract; (b) provisions for maintenance assessments of all owners of residential units or lots in order to ensure that the open land is maintained in a condition suitable for the approved uses, and failure to pay such assessment shall create a lien on the property assessed, enforceable by the corporation, association or trust; (c) provision which, so far as possible under the existing law, will ensure that the restrictions placed on the use of the open land will not terminate by operation of law. The developer of the OSRD shall be responsible for the maintenance of the common land and any other facilities to be held in common until such time as the grantee is capable of assuming said responsibility.
- (7) Areas of the Common Open Space which are to remain as naturally-existing woods, fields, meadows, and wetlands shall be maintained in their current state, or managed in accordance with good conservation practices, all in accordance with existing regulations and laws.
- (8) If any portion of the Common Open Space is used for the purpose of construction of leaching areas associated with septic disposal systems or for water supply wells serving the OSRD, the Planning Board shall require adequate assurances and covenants that such facilities shall be maintained by the owners of the lots within the OSRD, individually or in common, as applicable, including the requirement that all shared septic tanks to be located within the Common Open Space must be pumped

at least every two years by the homeowners' association and must be maintained in accordance with good septic system maintenance practices. Adequate assurances for access rights for maintenance and repair of such systems shall be noted in the affected deeds. Wells and septic tanks serving individual lots should generally be located on the residential building lot for the house being served, and not on the Common Land.

- (9) All required covenants, grants of easements, or conveyance, must be submitted to the Planning Board for review and approval prior to the recording and the deeding out of any of the OSRD lots.

i. Additional Design Criteria for Siting of Residential Buildings and Ways

In addition to the standards set forth above, the following objectives are encouraged in the design of the OSRD:

- (1) Buildings and streets should be placed in a manner which maximizes the usable area remaining for Common Open Space.
- (2) Buildings should be sited within any woodland contained in the parcel or along the edges of the open fields adjacent to any woodland, in order to enable new construction to be visually absorbed by the natural landscape features.
- (3) Buildings should be sited in locations least likely to interrupt scenic vistas, as seen from the public roadways, with significant public road frontage left undeveloped.
- (4) Buildings should be sited, where possible, to take maximum advantage of solar exposure.
- (5) Buildings shall be sited to avoid sensitive environmental features, including wildlife habitat, wetlands, water bodies, steep slopes or other important site features.
- (6) In the vicinity of existing historic structures on public roads, new buildings may be sited in groups close to the road to reflect the traditional locations, patterns and setbacks of nearby existing historic buildings. Such roadside groupings of residential and accessory structures should be compatible with the scale of the surrounding neighborhood.
- (7) Buildings should be sited to maximize the number of house lots with open space views and with convenient nearby access to usable open space.
- (8) Buildings should be sited so that they will not have an undue adverse impact on the surrounding neighborhood.
- (9) Buildings and ways shall be sited in order to provide for and maintain convenient and safe emergency vehicle access to all buildings and structures at all times.
- (10) Buildings and ways shall be sited, to the extent feasible, within the existing topography in order to minimize the amount of soil removal, tree cutting and general disturbance to the landscape and to preserve the natural features of the site.
- (11) **Building Design/Arrangement:** Residential buildings shall be consistent to the extent feasible with the prevailing character and scale of residential buildings in the neighborhood. To provide visual interest

and avoid monotony, the architecture shall be designed to provide variation through the use of color, building materials, details, breaks in roof and wall lines, porches, detailed cornices and substantial roof overhangs, dormers, screening and/or other architectural elements. Traditional materials such as masonry and wood are strongly encouraged for the exterior facades. Windows and exterior doors shall be consistent and compatible with the materials, style and color of the building, and shall be arranged to give the façade a sense of balance and proportion.

- (12) Visitor Parking Requirement: One vehicular parking space shall be required for every four (4) dwelling units for visitor parking. Additional parking in proximity to any clubhouse or other facility serving residents in common, or guest parking, may be required, as determined by the Planning Board, in off-street parking areas. No single accessory parking area shall contain more than twelve parking spaces, and all such areas shall be adequately landscaped.
- (13) Parking and Garage Design Standards: Residential parking spaces shall be located in reasonable proximity to the dwelling or in attached garages. One or two car parking garages attached to individual dwelling units shall be encouraged. Such garages shall be designed so as to complement and not dominate the building design and site layout. They shall not obscure the front of the unit or building and may extend no more than six feet (6') beyond the face of the building, unless the Planning Board waives this requirement. Freestanding garages shall be located to the side or to the rear of the building or units.

5. Special Permit Application and Procedures

An application for an Open Space Residential Development Special Permit shall be submitted as outlined below and shall cover the entire Open Space Residential Development tract.

The applicant is strongly encouraged to meet with the Planning Board for an OSRD Pre-Application Conference, as provided under subsection 5.a., below. Such a Pre-Application Conference is optional and is advisory only.

An application for an OSRD Special Permit shall be accompanied by an OSRD Site Plan, as provided under subsection 5.b., below. The OSRD Site Plan shall contain a plan in the form and with the contents required of a Definitive Subdivision Plan as set forth by the Town of Framingham Subdivision Rules and Regulations. The applications for an OSRD Special Permit and for approval of a Definitive Subdivision Plan shall be filed concurrently. To the extent permitted by law, the Planning Board shall consider both applications at the same time. Once an application for an OSRD Special Permit is properly submitted, the Planning Board shall hold a public hearing and shall grant or deny a special permit based upon the information contained in the OSRD Site Plan.

a. Pre-Application Conference

- (1) The applicant, as defined in Section I.E.1. herein, is encouraged to meet with the Planning Board for an OSRD Pre-Application Conference prior to submitting a formal application for OSRD Special

Permit. Materials which should be submitted prior to such Conference include the calculation of dwelling unit density by way of a Density Yield Plan sketch, and an Existing Conditions Plan, both as described under subsection 5.c. below, as well as one or more preliminary Concept Plan alternatives. These materials should allow confirmation of the agreed upon density yield for a proposed OSRD tract early in the process and should provide an opportunity for informal staff and Planning Board review in the early stages of project design, preferably while various design options are still open. The applicant is advised to provide 10 copies of such plans and any accompanying material to the Planning Board at least 3 weeks prior to the proposed date for a Pre-Application Conference.

b. Procedure for Submission of Special Permit Applications

- (1) The applicant, as defined in Section I.E.1. herein, shall submit to the Planning Board ten (10) copies of an Open Space Residential Development Site Plan, conforming to the requirements of this Section IV.M.5.b., together with one original and one copy of the application form and such documents or other instruments as may be required as set forth in said application. Upon receiving the completed application, the Planning Board shall forthwith transmit one copy each to the Building Commissioner, the Engineering Department, the Planning Department, the Police Department, the Fire Department, the Department of Public Works, the Board of Health, the Conservation Commission and such other departments and boards as the Planning Board may determine appropriate.
- (2) Any such Board or agency to which applications are referred for comment shall make its recommendations and send copies thereof to the Planning Board within thirty-five (35) days of receipt of the referral request from the Planning Board or there shall be deemed to be no opposition or desire to comment. The Planning Board shall not act upon said special permit application until either it has received and considered all reports requested from Town departments and boards, or said thirty-five (35) days from the date of the referral request have elapsed, whichever is sooner.
- (3) The Planning Board shall hold a public hearing on any properly completed application within 65 days after filing, shall properly serve notice of such hearing, and shall render its decision within 90 days of said public hearing. The hearing and notice requirements set forth herein shall comply with the requirements of G.L. c.40A section 11, and with the requirements of Section V.L. of this By-Law. All costs of the notice requirements shall be at the expense of the applicant.

c. Contents of OSRD Special Permit Applications

The application for an Open Space Residential Development Special Permit, shall be accompanied by an OSRD Site Plan prepared by a professional landscape architect registered in Massachusetts, including all of the plans and information below.

- (1) An “Existing Conditions (Site Analysis) Plan” (at a scale of 1” = 40’), which shows
 - (a) the boundaries of the proposed Open Space Residential Development and the area of the OSRD parcel:

- (b) identification of all wetlands, waterbodies, floodways and areas within the 100 year floodplain, and land prohibited from development by reason of legally enforceable restrictions, easements or covenants; and the area square footage of the items noted above; and
 - (c) existing topography, including the location of land with slopes exceeding (20) percent; soil types, including the location of soils subject to slumping; 100 year floodplains; springs, mature trees greater than 12 inches in diameter in all areas where existing vegetation will be considered for alteration under the proposed special permit, and general areas of existing vegetation including treelines and woodlands; and the location of other significant features, including rock outcrops, open fields or meadows, drumlins, scenic views into or out of the property, tracks and trails; and existing streets, structures, including historic structures, fences and stone walls within and contiguous to the site; and existing easements.
- (2) A “Concept Plan” for the proposed OSRD (at a scale of 1” = 40’) which shows
- (a) the intended location, ownership and use(s) of the proposed Common Open Space, and all improvements and structures intended to be constructed on the proposed Common Open Space;
 - (b) the approximate intended location of each residential building, accessory structure and facility and of the building envelope on each lot;
 - (c) the approximate location of all lot lines, with approximate areas and dimensions, with lot numbers assigned to each lot in sequence;
 - (d) the identification and location of all significant natural and manmade features of the site to remain, and to be removed under this proposal;
 - (e) the intended location and layout of all roads and accessways, with approximate finished grades, and street widths;
 - (f) the proposed system of drainage and the methods for providing water distribution and sewerage facilities, including easements; and
 - (g) a table containing the total area of the OSRD; the total area of the proposed Common Space and its percentage of the OSRD area; and the total area of wetlands and its percentage of the OSRD area and its percentage of the proposed Common Space.
- (3) A “Density Yield Plan” sketch (at a scale of no less than 1” = 100’) showing how development of the parcel would be achieved in accordance with Sections IV.M.4.c.(1) and IV.M.4.c.(2) herein, to determine the maximum allowable density under this Special Permit. The Applicant shall have the burden of proof with regard to the maximum allowable density resulting from the design and engineering specifications shown on the Yield Plan. The Yield Plan shall contain, at a minimum, the following information:
- (a) Parcel boundaries, north point, date, legend, title “Yield Plan,” and scale.

- (b) The name and address of the record owner or owners, the applicant, and the design engineer and/or land surveyor that prepared the plan.
- (c) The names, approximate location, and widths of adjacent streets.
- (d) Existing topography at 2-foot contour intervals.
- (e) Map of soils using NRCS soils mapping.
- (f) All on-site local, state, and federal regulatory resource boundaries and buffer zones shall be clearly identified, and all wetland flag locations shall be numbered and placed upon the Yield Plan.
- (g) Lot lines with approximate areas and frontage dimensions, or unit placements and proposed common areas.
- (h) Location and extent of parking, landscaping, stormwater management, water supply and wastewater management service areas that would be required to accommodate the use.
- (i) If available, the location and results of any test pit investigations for soil profiles, percolation rates and determination of seasonal high ground water levels. Smart Growth / Smart Energy Toolkit 6 OSRD Model Bylaw
- (j) A separate Sketch Plan sheet shall be submitted that addresses the general features of the land, and gives approximate configurations of the proposed lots, of unit placements if treated as a condominium, of open space, and roadways. The Sketch Plan shall incorporate the Design Process and Design Standards according to this bylaw described herein and contain the following information:
 - i. The proposed topography of the land shown at a contour interval no greater than two feet. Elevations shall be referred to mean sea level.
 - ii. The location of existing landscape features, including forests, farm fields, meadows, wetlands, riverfront areas, water bodies, archaeological and historic structures or points of interest, rock outcrops, boulder fields, stone walls, cliffs, high points, major land views, forest glades, major tree groupings, noteworthy tree specimens, and habitats of endangered or threatened wildlife, as identified as primary and secondary resources. Proposals for all site features to be preserved, demolished, or altered shall be noted on the Sketch Plan.
 - iii. The existing and proposed lines of streets, ways, common driveways, easements and any parcel of land intended to be dedicated for public use or to be reserved by deed covenant for use of all property owners in the subdivision, or unit development, or parcels of land or lots to be used for any purpose other than private residential shall be so designated within the subdivision in a general manner.
 - iv. Proposed roadway grades.
 - v. Official soil percolation tests for the purpose of siting wastewater treatment options shall be required as determined by the Planning Board. However, a narrative explanation shall be

prepared by a Massachusetts Certified Professional Engineer detailing the proposed wastewater systems that will be utilized by the development and its likely impacts on-site and to any abutting parcels of land. For example, the narrative will specify whether individual on-site or off-site systems, shared systems, alternative to Title V systems, or any combination of these or other methods will be utilized.

- vi. A narrative explanation prepared by a Massachusetts Certified Professional Engineer proposing systems for stormwater drainage and likely impacts onsite and to any abutting parcels of land. For example, the narrative will specify whether Soft or Hard Stormwater Management Techniques will be used and the number of any detention/retention basins or infiltrating catch basins; it is not intended to include specific pipe sizes. Any information needed to justify this proposal should be included in the narrative. The approximate location of any stormwater management detention/retention basins shall be shown on the plan and accompanied by a conceptual landscaping plan. (g) A narrative explanation prepared by a Massachusetts Certified Professional Engineer, detailing the proposed drinking water supply system.
 - vii. A narrative explanation of the proposed quality, quantity, use and ownership of the open space. Open space parcels shall be clearly shown on the plan.
 - viii. All proposed landscaped and buffer areas shall be noted on the plan and generally explained in a narrative.
 - ix. A list of all legal documents necessary for implementation of the proposed development, including any Conservation Restrictions, land transfers, and Master Deeds or condominium documents, with an accompanying narrative explaining their general purpose.
 - x. A narrative indicating all requested waivers, reductions, and/or modifications as permitted within the requirements of this bylaw.
- (4) A "Locus Plan" (at a scale of 1" = 100'), which shows the relation of the proposed OSRD streets, utilities and easements to the existing systems, and shows the relation of the proposed OSRD Common Open Space to existing open space areas and corridors for a distance of 1,000 feet beyond the project boundaries, and which shows the relation of the approximate intended location of residential structures and other buildings in the proposed OSRD tract to all lots, identified by ownership, and all existing structures for a distance of 300 feet beyond the project boundaries.
- (5) Standard information, including a Title Block with the subdivision or OSRD name, date, scale, legend, and title of the plan; a Planning Board Signature Block at approximately the same location on each page, names and addresses of owner(s), developer(s), and subdivider(s), and name, address, signature(s) and seal(s) of the surveyor or engineer and of the landscape architect responsible for preparation of the plans; and a north arrow; all of which should be located similarly on each plan submitted; as well as identification of parcel by sheet, block and lot number from the Assessor's Maps; identification of the parcel as legally recorded; identification of owners of abutting lots,

- including owners of those lots separated only by a street from the proposed parcel, as determined from the most recent Assessor's tax records, and as certified by the Assessors of the Town of Framingham; and a zoning table showing the development dimensional standards both under existing zoning and under the proposed Special Permit, along with the dimensions being considered for the proposed development; and the maximum allowable density as obtained under item (3) above.
- (6) Copies of all instruments to be recorded with the Open Space Residential Development special permit, including the proposed deed(s) for the Common Open Space, the articles of organization and bylaws of the corporation or trust to be organized to own the land, and the language of all restrictions to be imposed on the land.
 - (7) A Management Plan for the Common Open Space to be incorporated in deed covenants to be executed with purchasers of land or other interests in the OSRD.
 - (8) A narrative description of the project, including the development concept, intended uses of the Common Open Space, ownership and maintenance of the Common Open Space, and an evaluation of its value to the Town with respect to protection of natural resources, open space and recreation, and accessibility to the Town, a reclamation plan in the event the parcel includes previously disturbed land, a discussion on how the development meets the design standards and criteria under this bylaw, and a description of the surrounding neighborhood and the impact of this proposal on the neighborhood.
 - (9) A narrative description of the design process undertaken to demonstrate to the Planning Board that the following design process was performed by a multidisciplinary team of which one member must be a certified landscape architect and strongly considered in determining the layout of proposed streets, house lots, unit placement if treated as a condominium development, including designation of all common areas and open space.
 - a. The design process shall identify and delineate primary conservation areas such as wetlands, riverfront areas and floodplains regulated by state or federal law and secondary conservation areas that are unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats and cultural features such as historic and archaeological sites and scenic views,
 - b. The design process shall reflect an integrated community locating house sites, the approximate sites of individual houses within the potentially developable area and include the delineation of private yards and shared amenities.
 - c. The design process shall achieve connectivity by aligning the streets and trails, aligning streets in order to access the house lots or units, laying out of new trails to create internal and external connections to existing and/or potential future streets, sidewalks and trails.
 - (10) The Planning Board may request additional information and data about site environmental conditions in order to assist it in establishing that the Concept Plan Standards and Special Permit Criteria of this section have been met.

d. Special Permit Criteria

- (1) In evaluating the proposed OSRD, the Planning Board shall consider the general purpose and objectives of this Section; the existing and probable future development and use of surrounding areas; the appropriateness of the proposed layout of streets, ways, lots and structures; and the design and use of the Common Open Space in relation to both the proposed dwelling units in the OSRD, and the important natural features of the proposed OSRD tract of land.
- (2) The special permit shall be granted only if the Planning Board finds each of the following:
 - (a) The proposed development shall be consistent with the Purpose and Intent of an Open Space Residential Development as described in Section IV.M.1. herein.
 - (b) The proposed development shall comply with the requirements, standards, and objectives of this Section IV.M., and other applicable requirements of this Zoning By-Law.
 - (c) The proposed development shall be in harmony with the existing and probable future uses of the area and with the character of the surrounding area and neighborhood.
 - (d) The proposed development shall provide for efficient use and delivery of municipal and other services and infrastructure.
 - (e) The proposed development shall not create a hazard to abutters, vehicles or pedestrians.
 - (f) The proposed development preserves the landscape in its natural state, insofar as practicable, by minimizing grade changes and tree and soil removal.
 - (g) The proposed development does not remove or disrupt historic, traditional or significant uses, structures or architectural elements, insofar as practicable, on the site or on adjacent sites.
 - (h) The proposed development shall preserve scenic viewsheds and landmarks, in so far as practicable, on the site or on adjacent sites.

e. Special Permit Conditions

As a condition of approval, the Planning Board may require such changes in the proposed development plans and may impose such conditions and safeguards, including bonding, to secure the objectives of this bylaw, and to protect the health, safety and welfare of the inhabitants of the neighborhood and the Town of Framingham

6. Administration and Relation to Subdivision

a. Compliance with Subdivision Control Law Required

Planning Board approval of a special permit under this Section shall not substitute for compliance with the subdivision control law, nor oblige the Planning Board to approve any related definitive plan for subdivision, nor reduce any time periods for Planning Board consideration under the law.

b. Change in Plans After Grant of Special Permit

No substantial variation from the approved OSRD Concept Plan shall be permitted in the Subdivision Plan. Following approval of the Subdivision plan, no further change in the location or use of the Common Open Space shall be permitted. No change in any aspect of the approved Subdivision Plans shall be permitted unless approved in writing by the Planning Board. Once an OSRD special permit has been obtained by the applicant, a new or amended OSRD special permit, including the requisite public hearing, will be required if the Planning Board determines any proposed change between the Definitive Plan and the OSRD Concept Plan to be substantial.

c. Limitation of Subdivision

No land shown on a Definitive Plan for which an OSRD special permit is granted under this Section may be further subdivided, unless such special permit lapses or is rescinded. Exceptions may be made for minor shifts of a lot line between residential lots within the OSRD tract, but under no circumstances may the lot lines of the Common Open Space be amended or may additional lots be created. A notation to this effect shall be shown on the Definitive Plan for an area which makes use of this special permit. Upon the written request of the applicant/owner for a recession of the special permit, the Planning Board will automatically rescind an OSRD special permit, on the condition that development of the site has not yet commenced.

d. Building Permits

The Applicant shall provide for Engineering Department review and approval plans prepared and stamped by a Registered Engineer or Land Surveyor showing proposed house location, elevations, grades and any foundation drains prior to the issuance of building permits for each lot. Concurrent with the submission of this plan a composite subdivision lot grading plan showing the proposed grading for the individual lot for which a permit is being issued shall be submitted.

e. Appeals

Any person aggrieved by a decision of the Planning Board with regard to the OSRD Special Permit may appeal such decision to a court having jurisdiction, in accordance with Massachusetts General Laws, Chapter 40A, Section 17.

f. Rules and Regulations

The Planning Board may adopt and amend reasonable rules and regulations for the administration of this Section, including a schedule of fees. As the OSRD special permit process will occur simultaneously with a definitive subdivision plan, the application fee for both the definitive subdivision review and for the OSRD special permit shall be equal to the current fee required under a definitive subdivision review fee. A portion of this fee may be assessed upon submission of the Pre-Application Conference materials. Such fee shall be deducted from the total OSRD special permit/definitive subdivision fee noted above. Direct costs associated with required legal notices shall be charged to the Applicant.

ARTICLE ____: Rezoning of 474, 480, 486, 492, 498, and 506 Concord Street and portion of 7 Lindbergh Road.

To see if the Town will vote to amend the Framingham Zoning Map by rezoning the following parcels: 474, 480, 486, 492, 498 and 506 Concord Street, and that portion of Concord Street and Lindberg Road abutting said lots to the centerline of Concord Street and Lindberg Road, and that portion of 7 Lindberg Road that is located to the north of a line running along the rear lot line of 9 Lindberg Road and continuing along in a straight line to the lot line of 480 Concord Street, from General Business District (B) and Single Family Residence District (R-1), to Community Business District (B-2), as presented in the background information in the warrant submitted to Special Town Meeting.

Pass any vote or take any action relative thereto.

Sponsor: Planning Board

Proposed Zoning

Article ____:
Rezoning of
474, 480, 486, 492, 498, and 506
Concord Street and
a portion of 7 Lindbergh Road

