

**TOWN OF CONCORD
PLANNING BOARD**

**PLANNED RESIDENTIAL
DEVELOPMENT**

**Explanation and Motion
under Article 40
April, 1976**

Planned Residential Development

The Planning Board has amended the language of Article 40 Planned Residential Development and has included herewith for your consideration an explanation and the entire text of the motion the Board will make at the 1976 Annual Town Meeting. If adopted, the Planned Residential Development (PRD) by-law, by permission of the Board of Appeals, would allow for a new type of residential development providing for a mixture of significant open space and single family (detached and attached) and multi-unit structures on a single tract of residentially-zoned land in one ownership.

Concurrent with the adoption of PRD, the Planning Board intends to delete the provisions for apartments and tenement houses in the Business district and garden apartments in the Residence C district. There then would be only three types of residential development permitted: Planned Residential Development (PRD), Standard Subdivision (single family homes on individual house lots) and Cluster Development (single family homes clustered together on individual lots generally of a size smaller than otherwise allowed in the residence district in which the Cluster Development is located).

Reason for PRD

In October of 1973 the Comprehensive Town Plans Committee (CTPC) established a Housing Policy Sub-committee (HPC) in response to a number of concerns about the changing quality and character of the Town's housing stock. Of particular concern was the suitability of garden apartment structures in the Residence C zone which have been subject since 1973 to a moratorium which effectively expires with the end of the 1976 Annual Town Meeting.

The HPC report was delivered to the Selectmen in August, 1975. It outlined a housing policy which would have the following goals:

- o Retention of significant open space
- o Encouragement of diversity in type and cost of housing
- o Moderate but controlled growth in population
- o Effective control over development by planning officials

The Planning Board believes that PRD is a significant step toward implementation of these goals.

Retention of Significant Open Space

PRD contains three mechanisms for retention of open space:

1. At least 40% of the total area of the PRD tract must be set aside as Common Open Space and be made subject to a perpetual restriction for conservation, agriculture, recreation or park use.
2. The owner of a PRD tract, with the permission of the Board of Appeals, may increase the density of the PRD tract up to the maximum allowable density only upon agreement to convey or restrict for the benefit of the Town, land located outside the PRD tract. The owner obtains more credit for buildable land which is conveyed or restricted than for Wetlands or Flood Plain land. The Natural Resources Commission must report to the Board of Appeals on the suitability of both the Common Open Space and the land proposed for transfer development rights. No credit shall be given for land which is already restricted at the time the PRD petition is submitted.
3. Tracts which contain significant Wetlands or Flood Plain land will be less subject to development under PRD than under standard subdivision since only 10% of such lands can be counted toward basic unit density under PRD.

Encouragement of Diversity in Type and Cost of Housing

PRD allows for the construction of single family (detached and attached) and multi-unit structures of all types provided that no more than 80% of the dwelling units shall be in buildings of the same type. Except for setbacks required from public ways and the PRD boundary line, there are no minimum lot area, frontage or yard requirements. The flexibility permitted with respect to type of ownership and housing types in a PRD should allow for the availability of a range of housing costs. PRD also provides for increase in density up to a maximum of 15% if a certain number of low or moderate income

units are provided in a PRD. State or Federal assistance will be required for this type of housing to become a reality in the context of a PRD.

Moderate but Controlled Growth in Population

Despite high building costs, pressure for development and resultant growth in population continues. A way to moderate growth is to provide incentives for leaving land undeveloped.

PRD, by providing the opportunity to transfer development rights to a PRD tract, provides such incentives. Where this technique is used, more units may be located on a PRD tract than if that tract were developed as a Standard Subdivision or Cluster Development. However, because of the transfer development formula in the PRD by-law for each unit transferred, buildable land on which more than one unit could have been built must be sheltered from development. Over the long term, Town-wide population density should not be significantly increased.

Because of the way in which the basic unit density of the PRD tract is determined under the PRD by-law, the number of units which one could place on a PRD tract (without transfer development rights or increase for low and moderate income housing) in most cases would be about equal to either Standard Subdivision or Cluster Development. There are, nevertheless, incentives to the owner because units in a PRD can be placed closer together and roadways, utilities and other amenities need not be as extensive. As a practical matter, however, meaningful increase in unit density can be obtained only through transfer development rights.

Under PRD the maximum unit density allowable on a PRD tract is approximately equal to twice the density allowed in the residence district in which the PRD is located. It is less than that if there is significant Wetlands or Flood Plain land in the PRD tract. This maximum, however, would not apply to a PRD owned by the Concord Housing Authority.

In Residence C, the substitution of PRD for garden apartments would result in a significant decrease in unit density potential. For example, Concord Greene which was approved under the garden apartment by-law has a density of 220 units on an area of 25.6 acres of land of which 2.5 acres are zoned Flood Plain and 8.7 are designated Wetlands. Under PRD the basic density of the Concord Greene tract would be limited to 76 units. By transfer development rights, this basic density could only be increased by 69 units for a total of 145 units for a 34% decrease in density. If the 69 units were to be transferred from the Residence AA district, it would require more than 200 acres of land situated outside the Flood Plain or Wetlands Conservancy Districts, be deeded to the Town.

Effective Control over Development by Planning Officials

As with Standard Subdivision and Cluster Development, PRD would be allowed in all residential districts, but only by special permit from the Board of Appeals. Unlike Standard Subdivision and Cluster Development, meaningful control could be exercised over the manner in which the PRD was carried out. To provide this control, the PRD by-law is necessarily detailed.

A PRD must have an area of not less than five times the minimum lot area of the residence district in which it is located. The PRD plan is subject to detailed review by the Planning Board and the Natural Resources Commission. No special permit for a PRD will be issued without a finding that the PRD is in harmony with the general purpose and intent of the PRD by-law and contains a mix of open space and residential uses and a variety of buildings to be sufficiently advantageous to the Town to depart from the standard subdivision. This requirement coupled with the Natural Resources Commission's review of the suitability of transfer development land to be conveyed or restricted for the benefit of the Town allows for an informed determination to be made as to both the suitability of the PRD site and the location and character of transfer development land to be left open.

Benefits of PRD

PRD has potential for benefit to the Town by providing incentives for retention of significant open space while giving the opportunity for the construction of housing units of various types at lower cost without significant increase in Town-wide density. Because units can be placed close together, roadways and utilities need not be as extensive, thus helping to reduce the rate of increase of the Town's maintenance cost over the long term. By providing for transfer development rights and Common Open Space, the PRD provides a way for the Town to shelter open space from development in perpetuity without having to purchase the land.

Motion under Article 40

The Warrant Article has been amended to the following motion. We direct your attention particularly to these sections: C(2) Permissible Density; C(4) Permitted Uses; C(5) Common Open Space; D(2) Planning Board's Report and Recommendations; and D(3) Natural Resources Commission's Report and Recommendations.

Article 40: Mr. Orlando moves: that the Town amend the Zoning By-law by deleting the words "apartment house or tenement house and" from Section 3A(2) and by deleting in its entirety Section 4A(8) Garden Apartments and by adding the following new section:

Section 11.1 Planned Residential Development (PRD) District

A. Purpose

Planned Residential Development allows by special permit from the Board of Appeals an alternative pattern of land development to the pattern permitted in the Residence Districts. It is intended to encourage the conservation of more significant open space, while at the same time providing for a greater mixture of housing types in the Town at somewhat greater dwelling unit densities than is permitted in Residence Districts and Cluster Developments, without a significant increase in Town-wide population density. In a PRD, dwelling units should be constructed in appropriate clusters which are harmonious with neighborhood development and will not detract from the ecological and visual qualities of the environment. The overall site design and amenities should enhance the quality of living for the residents of the development and the Town generally.

B. Location

Planned Residential Development shall be permitted in the Residence AA, A, B and C Districts. Attention, however, shall be given by the Board of Appeals as to whether the proposed site design, development layout, number, type and design of housing constitute a suitable development for the neighborhood within which it is to be located.

C. Standards

(1) Minimum Tract Size

Planned Residential Development shall be permitted upon a single tract, in one ownership with definite boundaries ascertainable from a recorded deed or recorded plan, which has an area of not less than five times the minimum lot area of the zoning district within which it is situated (Residence C: 50,000 square feet; Residence B: 100,000 square feet; Residence A: 200,000 square feet; Residence AA: 400,000 square feet). Existing public or private ways need not constitute boundaries of the tract but the area within any such ways shall not be counted in determining minimum tract size.

(2) Permissible Density

Subject to the limitations upon density contained in subparagraph (3) below, the number of dwelling units permitted within any PRD shall be determined by the Board of Appeals to assure compliance with the purpose of Planned Residential Development and shall not exceed the number obtained by applying one or more of sub-subparagraphs (a) through (c) of this subparagraph (2).

- (a) PRD Tract: The number of dwelling units obtained by dividing the sum of (1) the area of the tract exclusive of land situated within the Flood Plain or Wetlands Conservancy Districts, and (2) ten per cent (10%) of the area of land situated within the Flood Plain or Wetlands Conservancy Districts by the minimum lot size permitted in the zoning district(s) within which the tract is located; provided that no land shall be included which at the time of the submission of an application under this Section is subject to a perpetual restriction of the type described in G.L.c. 184 S. 31 or any restriction similar thereto.

- (b) Transferable Development Rights: The density of the PRD tract may be increased by conveying to the Town, or by restricting for the benefit of the Town, land which is not within the PRD tract and which at the time of the submission of an application under this Section was in private ownership and unencumbered by a perpetual restriction of the type described in G.L.c. 184 S.31 or any restriction similar thereto; provided that the Board of Appeals shall determine that such transfer or restriction is consonant with the purposes of this by-law generally and this Section 11.1 in particular. The number of transferable units is obtained by determining the area of land situated outside the Flood Plain or Wetlands Conservancy Districts and the area of land situated within the Flood Plain and Wetlands Conservancy Districts and by (1) dividing each such area of land situated in any one or more Residential District(s) which the applicant proposes to convey or restrict by the minimum lot size permitted in the zoning district(s) within which such land is located and by (2) multiplying the number obtained therefrom by the appropriate following percentages:
- (i) Sixty per cent (60%) if such conveyance is of the entire fee interest in land none of which is situated within the Flood Plain or Wetlands Conservancy Districts; or
 - (ii) Ten per cent (10%) if such conveyance is of the entire fee interest in the land and such land is situated within the Flood Plain or Wetlands Conservancy Districts; or
 - (iii) Thirty per cent (30%) if such conveyance is of a perpetual restriction of the type described in G.L.c. 184 S. 31 upon land none of which is situated within the Flood Plain or Wetlands Conservancy Districts; or
 - (iv) Five per cent (5%) if such a conveyance is of a perpetual restriction of the type described in G.L.c. 184 S. 31 and such land is situated within the Flood Plain or Wetlands Conservancy Districts.
- (c) Low and Moderate Income Housing: The number of dwelling units obtained through application of either or both of sub-subparagraphs (a) and (b) above may be increased by fifteen per cent (15%) if between fifteen per cent (15%) and forty per cent (40%) of the total number of units within the PRD are low or moderate income housing. Low and moderate income housing shall mean any housing subsidized by the Federal or State government under any program of the type described in Chapter 774 including future amendments thereto and corresponding provisions of future laws.

Maximum Allowable Density

In no case shall the total number of units permitted within any PRD exceed twice the number obtained by application of sub-subparagraph (a) above, and in no case shall that portion of any PRD which lies outside the Flood Plain and Wetlands Conservancy Districts contain less than five thousand (5,000) square feet of area for each dwelling unit.

(4) Permitted Uses

There shall be permitted in any PRD:

- (a) Single family detached and attached, and multi-unit structures of all types without regard to dwelling unit configuration or form of ownership; provided, however, that no more than eighty per cent (80%) of the dwelling units within the PRD shall be in buildings of the same type.
- (b) Accessory uses incident to the principal uses indicated above.

(5) Lot Area, Frontage and Yard Requirements

There shall be no minimum lot area, frontage or yard requirements within a PRD. However, no building shall be erected within twenty (20) feet of a public way or boundary line of the PRD in the Residence C and B Districts, and within forty (40) feet in the Residence A and AA Districts.

(6) Height

The maximum permitted height of any structure within a PRD shall be thirty-five (35) feet.

(7) Area of Residential Development

The area developed for residential use, including buildings, parking and other areas paved for vehicular use, shall not exceed thirty per cent (30%) of the total area of the PRD tract. Foot and bicycle paths and recreational facilities, including buildings wholly devoted to recreation, shall not be counted in calculating the thirty per cent (30%) limitation.

(8) Common Open Space

All land within the PRD tract which is not covered by buildings, roads, driveways, parking areas or service areas, or which is not set aside as private yards, patios or gardens for the residents, shall be Common Open Space. The area of the Common Open Space shall equal at least forty per cent (40%) of the total area of the PRD tract. Such land shall have a shape, dimension, character and location suitable to assure its use for park, recreation, conservation or agricultural purposes by at least all the residents of the PRD. Provision shall be made so that the Common Open Space shall be owned in common by and readily accessible to the owners and occupants of all units in the PRD, or by a membership corporation, trust or association whose members are all the owners and occupants of the units, or by the Town, or otherwise as the Board may direct. In all cases, a perpetual restriction of the type described in G.L.c. 184 S. 31 (including future amendments thereto and corresponding provisions of future laws) running to or enforceable by the Town shall be recorded in respect to such land. Such restriction shall provide that the Common Open Space shall be retained in perpetuity for one or more of the following uses: conservation, agriculture, recreation or park. Such restriction shall be in such form and substance as the Board shall prescribe and may contain such additional restrictions on development and use of the Common Open Space as the Board may deem appropriate.

(9) Limitation of Subdivision

No lot shown on a plan for which a permit is granted under this Section may be further subdivided, and a notation to this effect shall be shown on the plan.

(10) Special Provision for the Concord Housing Authority

Except as provided in subparagraph (6) above, the limitations contained in paragraph C shall not apply to a PRD which will be owned by the Concord Housing Authority and for which it is the applicant, provided that the Board of Appeals shall find that the proposed design is generally consonant with the purposes of this By-law.

D. Procedure for Approval

(1) Application

Any person who desires a special permit for a PRD shall submit an application in writing in such form as the Board may require which shall include the following:

- (a) A Development Statement consisting of a petition, a list of the parties in interest with respect to the PRD tract and any parcel proposed to be used pursuant to sub-subparagraph C(2)(b), a list of the development team and a written statement meeting

the requirements of a site evaluation statement under the Subdivision Rules and Regulations of the Planning Board, and setting forth the development concept including in tabular form the number of units, type, size (number of bedrooms, floor area), ground coverage, and summary showing the Area of Residential Development and Common Open Space as percentages of the total area of the PRD tract.

(b) Development Plans consisting of:

Site plans meeting, to the extent applicable, the requirements set forth for a Definitive Plan in the Subdivision Rules and Regulations of the Planning Board.
Architectural rendering of the site plans;
Site perspective;
Elevations 1/8" = 1';
Typical floor plan 1/4" = 1';
Detailed plans of all entrances to the PRD tract;
Detailed plans for disposal of sanitary sewage;
Landscape plan;
Typical planting detail for a cluster;
Sections and details of landscape treatment at boundaries of the PRD tract and banks of waterways.

(c) Marketing program including anticipated:

Number of residents in each residential unit;
Income range (using ranges established by the appropriate state or federal agencies as acceptable to the Board of Appeals) of family households or single individual residing in each unit;
Pre- and post-construction management methods including supporting documents and contracts;
Methods for attracting residents of broad income and ethnic backgrounds.

(d) Such additional information as the Board may determine.

(2) Planning Board Report and Recommendations

The Planning Board shall review the development statement and plans and shall submit in writing to the Board of Appeals its report and recommendations upon the technical quality of the proposed development, and at least the following:

- (a) General descriptions of the natural terrain of the PRD tract and surrounding areas, and of the neighborhood in which the tract is situated.
- (b) A review of the proposed development, including the design and use of buildings and of the open spaces between and around them, of pedestrian and vehicular circulation, of the location and capacity of parking, and of the provisions for grading, landscaping and screening.
- (c) An evaluation and opinion upon the degree to which any land intended to be conveyed to, or restricted for the benefit of, the Town:
 - (i) provides or will in the future provide an addition to areas of open space between developed sections of the Town,
 - (ii) makes available land desirable for future public use, or
 - (iii) conforms to the Town's long-range land use plan.

- (d) Its opinion as to whether the proposed site design, development layout, number, type and design of housing constitute a suitable development for the neighborhood within which it is located.
- (e) A statement that the developer's plans comply with the Design Standards of the Subdivision Rules and Regulations of the Planning Board, or, wherever such plans do not comply, a statement of the respects in which they do not so comply.
- (f) Recommendations for the granting or denial of the special permit, including recommendations for modifications, restrictions or requirements to be imposed as a condition of granting the special permit.

(3) Natural Resources Commission's Report and Recommendations

The Natural Resources Commission shall review the development statement and plans and shall submit in writing to the Board of Appeals its report and recommendations upon the degree to which the proposed development enhances the protection of significant environmental qualities including at least:

- (a) An evaluation and opinion upon the degree to which the development itself impinges upon critical environmental areas.
- (b) An evaluation and opinion upon the degree to which the Common Open Space protects critical environmental areas and provides a valuable outdoor recreation resource.
- (c) An evaluation and opinion upon the degree to which any land intended to be conveyed to, or restricted for the benefit of, the Town:
 - (i) enhances the protection of critical environmental areas, unique natural features, scenic vistas or potential or existing farmland, or
 - (ii) provides a valuable addition to the open space resources of the Town.

(4) Board of Appeals

A special permit shall be issued under this Section only if the Board of Appeals shall find that the PRD is in harmony with the general purpose and intent of this Section and that the PRD contains a mix of residential, open space, or other uses in a variety of buildings to be sufficiently advantageous to the Town to render it appropriate to depart from the requirements of this By-law otherwise applicable to the Residence District(s) in which the PRD tract is located. If a special permit is granted, the Board of Appeals shall impose as a condition thereof that the installation of municipal services and construction of interior drives within the PRD shall comply with the requirements of the Subdivision Rules and Regulations of the Planning Board, shall require sufficient security to insure such compliance and the completion of planned recreational facilities and site amenities, and may impose such additional conditions and safeguards as public safety, welfare and convenience may require, either as recommended by the Planning Board and Natural Resources Commission or upon its own initiative. The Board of Appeals shall give due consideration to the reports of the Planning Board and Natural Resources Commission and where the decision of the Board of Appeals differs from the recommendations of the Planning Board or Natural Resources Commission, the reasons therefor shall be stated in writing. Special permits issued hereunder shall lapse if no building permit is issued within two years of the date of the special permit, unless the Board of Appeals upon application extends this time.