

# **Zoning Overview**

**Applicable Bylaw:** Pursuant to MGL c. 40A, § 6, the June 27, 2005 version of the Bylaw applies – the date the preliminary subdivision plan was filed, followed by constructive approval of the definitive subdivision plan in 2006, commencing an 8-year zoning freeze (later tolled/extended). The June 27, 2005 version precedes the Affordable Housing Regulations set forth in Section V.E of the current Bylaw, which were adopted in September, 2005. There was one bylaw amendment adopted between March 2005 and June 27, 2005, which is not relevant to Fafard’s project. Therefore, the March 2005 Zoning Bylaw sets forth the applicable requirements.

## **Zoning District: Planned Unit Development (PUD)**

### **Section V.D, Table of Use Regulations:**

Within the PUD district, the Table of Use Regulations designates the “Planned Unit Development (Section IX-L)” use as a use permitted by right – with the “P” designation – but requires Site Plan Review. The footnote 6 referenced within the PUD district also states that “Permitted uses shall be those allowed in this table and Section XI.L.”

Table V also identifies a “Planned Unit Development by special permit (XI-H)” use. That PUD by special permit use only pertains to PUD developments within the CBD and IC districts.

### **Section XI.L – Planned Unit Development (PUD) Districts:**

Section XI.L.1 provides that “[m]ulti-family dwellings and attached dwellings of all types” are “permitted as of right” – subject to a limit of 4-units per building.

Section XI.L.2 also requires compliance with specific subsections of Section XI, including some that would otherwise apply only to “PUD by special permit” uses within the CBD and IC districts. There appears to be a typo within Section XI.L.2 – through its reference to Section X instead of Section XI. However, as corrected, the specific provisions that apply to the PUD development within the PUD District through Section XI.L.2 include the following:

XI.B	B.1 – Removal of Sand, Gravel, Quarry or Earth Materials (p. 78) B.2 – Earth Filling (p. 79)
XI.C	Site Plan Review (pp. 86 – 97)
XI.G	Environmental Performance Standards (p. 111)
XI.H.16	Usable Open Space (p. 117)
XI.H.18	Height (p. 118)
XI.H.19	Off-Street Parking (p. 118)

The referenced subsections H.16, H.18 and H.19 are the only provisions of Section XI.H that apply – the other provisions of XI.H applying only to “PUD by special permit” uses in the CBD and IC districts.