SECTION 10. PLANNED RESIDENTIAL DEVELOPMENT (PRD)

10.1 Purpose

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

10.2 Standards

10.2.1 Minimum Tract Size: Planned Residential Developments 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 four (4) times the minimum lot area of the zoning district within which it is situated (Residence C: Forty thousand (40,000) square feet; Residence B: Eighty thousand (80,000) square feet; Residence A: One hundred sixty thousand (160,000) square feet; Residence AA: Three hundred twenty thousand (320,000) square feet; Business: Forty thousand (40,000 square feet), or which has an area of not less than the minimum lot area in a Limited Industrial Park #1 zoning district: 5 acres. 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.

10.2.2 Maximum Permissible Density: Maximum permissible density within a PRD tract shall not exceed two times the total number of dwelling units obtained through application of subsection 10.2.2.1 (basic density) in all residential districts and in the Business district. In the Limited Industrial Park #1 district the maximum permissible density shall not exceed three times the total amount allowed by application of Section 10.2.2.1. In no case shall that portion of a PRD which lies outside the Flood Plain and Wetlands Conservancy districts contain less than five thousand (5,000) square feet of upland area for each dwelling unit.

10.2.2.1 Basic density: The basic density of the PRD shall not exceed the number of units obtained by applying the following calculation:

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) twenty-five percent (25%) 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. In the Limited Industrial Park #1 district the maximum permissible density shall be obtained by dividing the aforesaid sum by 40,000 square feet.

10.2.2.2 Fractional Numbers: Where the computation of the basic density results in a fractional number, only a fraction of one-half or more shall be counted as one (1).

10.2.3 Diversity of Dwelling Units: A mix of diverse housing opportunities shall be provided in all Planned Residential Developments. Such diversity may consist of: a mix in the number of bedrooms available or the gross floor area of the units, a mix of single-family, two-family and multi-family units or a mix of the price or rental rates of the units. If all the units proposed in the Planned Residential Development are market-rate units, then only the basic density shall be permitted. Increases beyond the basic density within the Planned Residential Development may be authorized by the Board only if at least ten percent (10%) of the units are made available as described in subsection 10.2.3.1 and 10.2.3.2. Any increases in density permitted by the Board shall not exceed the limits contained in subsection 10.2.2 and shall be based upon the degree to which the proposed PRD provides a range of low income and affordable dwelling units, in addition to the mix of diverse housing opportunities.

10.2.3.1 Low income dwelling units are those units made available to the Concord Housing Authority, or other entity as the Board may direct, either for purchase within the cost limits allowed by the Commonwealth of Massachusetts Department of Housing and Community Development (DHCD), or for lease under federal or state rental-assistance programs, or through a long-term contractual agreement; which can be counted toward the DHCD's Subsidized Housing Inventory.

10.2.3.2 Affordable dwelling units are those units made available for sale, lease or rent at below market rates based on the following:

(a) Starter-priced housing: Dwelling units set aside for sale, lease or rental to households with incomes of less than one-hundred ten (110) percent of the median family income for the Boston Metropolitan Area as determined by the most recent calculation of the U.S. Department of Housing and Urban Development.

(b) Moderate-priced housing: Dwelling units set aside for sale, lease or rental to households with incomes of less than one hundred and fifty (150) percent of the median family income for the Boston Metropolitan Area as determined by the most recent calculation of the U.S. Department of Housing and Urban Development.

10.2.3.3 Unit size: A variety of units shall be provided within the PRD, which may include dwelling units of one, two, three or more bedrooms; with a minimum gross floor area of not less than four-hundred (400) square feet.

10.2.3.4 Exterior design: The exterior of low income and affordable dwelling units shall be designed to be indistinguishable from the market-rate units; however it is recognized that these units may be smaller and have fewer features than market-rate units. Any low income units and affordable units proposed shall be integrated into the PRD development.

10.2.3.5 Long-term availability: The Board, as a condition of a special permit, shall impose appropriate limitations and safeguards to insure the continued availability of the below market-rate units for a minimum of forty (40) years. Such limitations and safeguards may be in the form of deed restrictions, resale monitoring, requirements for income verification of purchasers and/or tenants, rent level controls or other method as the Board may direct.

10.2.4 Permitted uses: There shall be permitted in any PRD:

10.2.4.1 Single family detached and semi-detached dwellings, two-family dwellings, and multi-unit dwellings of all types without regard to dwelling unit configuration or form of ownership; however, no multi-unit dwelling shall contain more than eight (8) dwelling units. No more than eighty percent (80%) of the dwelling units within the PRD shall be in buildings of the same type.

10.2.4.2 Accessory uses incidental to the principal uses indicated above.

10.2.5 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 thirty (30) feet in the Residence A and AA districts. In the Limited Industrial Park #1 district, the minimum distances of a building from a public way or street and from property lines shall conform to those specified for Limited Industrial Park in Table III, Dimensional Regulations, of Section 6.

10.2.6 Access to the Tract: Access to the tract shall be provided from an existing public or private way and shall be through the existing frontage on such public or private way.

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

10.2.8 Area of Residential Development: The area developed for residential use, including buildings, parking and other areas paved for vehicular use, shall not exceed fifty (50) percent 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 fifty-percent limitation.

10.2.9 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 yards, patios, gardens, or similar areas for exclusive or shared use by the residents, shall be common open space. The area of the common open space shall equal at least twenty-five (25) percent of the total area of the PRD tract. At least 50% of the area of common open space shall be upland (land that is not within the Flood Plain Conservancy District or freshwater wetlands as defined under the Wetlands Protection Act and the Town's Wetlands Bylaw).

10.2.9.1 The common open space 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 Planned Residential Development. In determining whether the intent of this section has been satisfied, the 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 abutting the Concord, Assabet or Sudbury Rivers, their tributaries, Elm Brook, or ponds of significant public interest, which enhance or protect wetlands or flood plain, or which provide public access to the water body, or which enhance or provide significant scenic vistas or views, or which provide 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 provides recharge to Concord's current or future municipal wells and highly favored aquifer areas;

(e) Land which is to be developed for active recreational use including playing fields, boat launching areas, playgrounds, and neighborhood parks;

(f) Land which preserves existing trail networks or land on which new trails will be developed as part of the PRD for integration into an existing trail network;

(g) Land which enhances scenic views;

(h) Land providing desirable public access to existing Town or State recreational or conservation land.

10.2.9.2 Provision shall be made so that the common open space shall be readily accessible to at least all of the owners and occupants of the units in the Planned Residential Development, and owned by:

(a) a membership corporation, trust or association whose members are all the owners and occupants of the units;

(b) by the Town; or

(c) otherwise as the Board may direct.

10.2.9.3 In all cases, a perpetual restriction of the type described in G.L. c. 184, sec. 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.

10.2.10 *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.

10.3 Special Provisions

10.3.1 *Special Provisions for the Concord Housing Authority and Town of Concord Projects:* Except as provided for in subsection 10.2.6 and 10.2.7 above, the limitations contained in subsection 10.2 shall not apply to a PRD application submitted by the Concord Housing Authority or to a PRD application submitted by the Concord Board of Selectmen in which seventy-five percent (75%) of the units will be of the type described in subsection 10.2.3.1 and 10.2.3.2 provided that the Board shall find that the proposed design is generally in keeping with the purposes of this Bylaw and with Town of Concord Housing Partnership Guidelines and Procedures as in effect from time to time.

10.3.2 *Special Provisions for Non-profit entity:* Except as provided for in subsection 10.2.6 and 10.2.7 above, the limitations contained in subsection 10.2 shall not apply to a PRD application submitted by a Non-profit entity in which seventy-five percent (75%) of the units will be of the type described in subsection 10.2.3.1 and 10.2.3.2 provided that the Board shall find that the proposed design is generally in keeping with the purposes of this Bylaw.

10.3.3 *Special Provisions for Converted School Building and Municipal Building:* The limitations contained in subsection 10.2 above shall not apply to applications for conversion of private or public school buildings and municipal buildings to residential use, provided that any such PRD conversion which varies from the aforesaid limitations shall be issued a special permit only in accordance with the following procedures:

10.3.3.1 An application for the proposed PRD conversion, in such form and containing such information as the Planning Board may require in order to evaluate the overall suitability of the proposed use in light of the purposes of Section 10 of this Bylaw, shall be submitted to the Planning Board. The Planning Board shall consider such Application and, if its evaluation thereof is favorable, shall submit to the Town Meeting such evaluation and its recommendations regarding the Application.

10.3.3.2 At such Town Meeting, approval of the Application for the PRD Conversion shall be by a two-thirds vote.

10.3.3.3 Not later than twenty-four (24) months from the date of Town Meeting approval, an application for a special permit shall be submitted to the Board for the PRD Conversion in accordance with the procedures for approval set forth in Subsection 10.4 below. A special permit shall be issued only if the Board shall find that the plans submitted to it for the PRD Conversion conform substantially to the terms of the approval granted by the Town Meeting and provided further that such permit shall be issued in conformance with the provisions of Subsection 10.4.4. The Board may, in its discretion, permit minor deviations

from the Application as approved by the Town Meeting, so long as it finds that such deviations are not substantially inconsistent with the Town Meeting approval.

10.3.4 *Special Provisions for an Alternative PRD* to be submitted to and approved by a two-thirds (2/3) vote of Town Meeting – In the Limited Industrial Park (LIP) District, the limitations contained in Subsection 10.2 above shall not apply to any PRD submitted to and approved by a two-thirds (2/3) vote of Town Meeting prior to application for a special permit from the Board all in accordance with the following procedures (herein an "Alternative PRD"):

10.3.4.1 Purpose: The provisions applicable to an Alternative PRD are intended to:

(a) Permit an applicant to propose and for the Town to vote on a Preliminary Site Development and Use Proposal unique to a particular location;

(b) Permit flexibility in the development of specific site by requiring few predetermined standards;

(c) Encourage proposals responsive to the Town's housing goals including housing types which increase diversity and affordability; and

(d) Enable the Board to require adherence to the Primary Site Development and Use Proposal approved by Town Meeting in the granting of a special permit.

10.3.4.2 Preliminary Site Development and Use Proposal: Any person who desires to submit an Alternative PRD proposal to Town Meeting shall prepare a development statement and plans consisting of the following:

(a) A development statement consisting of a preliminary written proposal meeting the requirements of Section 10.4.1.1;

(b) Preliminary Site Development and Use Plans consisting of:

i. Overview Plan showing all of the land proposed to be used as part of the Alternative PRD and showing other land and buildings located within 300 feet of the boundary of the Alternative PRD;

ii. Site plan(s);

iii. Typical Floor Plan(s); and

iv. Architectural Rendering(s) or Elevation(s) of the principal building(s).

(c) A summary statement consisting of an overview of the proposed Alternative PRD with specific details of the provisions which will be made to enhance housing diversity and affordability.

10.3.4.3 Alternative PRD Submission, Public Hearing, Evaluation, Changes and Town Meeting Vote.

(a) Before filing a Preliminary Site Development and Use Proposal, the applicant is encouraged to meet informally with the Planning Board to discuss the proposed

Alternative PRD and the level of detail to be included in the Preliminary Site Development and Use Proposal.

(b) On or before the close of the Town Meeting warrant the applicant shall submit a proposed warrant article and file one (1) full copy of the Preliminary Site Development and Use Proposal with the Town Clerk and five (5) copies of the Preliminary Site Development and Use Proposal with the Planning Board.

(c) The Planning Board shall hold a public hearing on the proposed Alternative PRD. The Planning Board shall give notice of such hearing in accordance with Section 5 of Chapter 40A of the General Laws and shall also send copies of such notice to all Parties of Interest as determined by Section 11 of Chapter 40A.

(d) The Preliminary Site Development and Use Proposal may be amended after the Public Hearing if (i) the Planning Board approves such amendment and finds that there is good cause for such amendment and (ii) a copy of the amendment is filed with the Town Clerk and the Planning Board at least five (5) days before the day on which the Town Meeting votes on the proposed Alternative PRD. The Preliminary Site Development and Use Proposal may also be amended on the floor of Town Meeting.

(e) The Planning Board shall evaluate the Preliminary Site Development and Use Proposal and present its recommendation to the Town Meeting.

(f) Approval of the Preliminary Site Development and Use proposal shall require a two-thirds (2/3) vote of Town Meeting

10.3.4.4 Alternative PRD Application for Special Permit; Reports and Recommendations; and Issuance of a Special Permit by the Board: Generally, the application of a special permit, the Planning Board's and Natural Resources Commission's report and recommendations and issuance of a special permit by the Board shall follow the requirements of Section 10.3 provided however that in addition to the provisions contained in Section 10.3.4 the Board shall find:

(a) The proposed Alternative PRD is substantially consistent with the Preliminary Site Development and Use Proposal approved by Town Meeting;

(b) The minimum frontage, front yard, side yard and rear yard shall not be less than the minimum permitted in the Zoning District in which the Alternative PRD is located;

(c) The maximum permitted height of any structure shall not exceed the height permitted in the Zoning District in which the Alternative PRD is located.

(d) The maximum gross floor area permitted shall not exceed the gross floor area permitted in the Zoning District in which the Alternative PRD is located provided however that the gross floor area of any (i) low income or affordable dwelling units (ii) enclosed parking (iii) enclosed trash/recycling area and (iv) any basement area and unfinished attic area shall not be included in determining the maximum gross floor area as defined and permitted in accordance with this Bylaw

(e) The minimum Common Open Space shall be equal to at least fifty (50) percent of the total area of the PRD Tract; the Common Open Space shall be subject to a

perpetual restriction of the type described in G.L.C. 184 Section 31 and the Common Open Space shall be owned by a membership corporation, trust or association whose members are all the owners of the units or owned by the Town or otherwise owned as the Board may direct;

(f) The special permit shall be granted within two (2) years of the date of the Town Meeting vote which approved the Preliminary Site Development Use Proposal. Said two (2) years shall not include any time required to pursue or await determination of any appeal applicable to the Alternative PRD.

10.4 Application for Special Permit; Reports and Recommendations; Issuance of Special Permit

10.4.1 *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:

10.4.1.1 A development statement consisting of a petition, a list of the parties in interest with respect to the PRD tract, 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.

10.4.1.2 Development plans consisting of:

(a) 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;

(b) Building elevations;

(c) Floor plans;

(d) Detailed plans for disposal of sanitary sewage; and

(e) Landscape plan and details;

10.4.1.3 Low income and affordable dwelling unit marketing program including anticipated:

(a) Income range (using ranges established by the appropriate state or federal agencies as acceptable to the Board) of family households or single individual residing in each low income or affordable dwelling unit;

(b) Methods for attracting residents of diverse income and ethnic backgrounds.

(c) Pre- and post-construction management methods concerning the maintenance of the low income and affordable dwelling units including supporting documents and contracts; and

(d) Proposed methods of ensuring long-term availability for the low-income and affordable dwelling units, including supporting documents and restrictions.

10.4.1.4 Such additional information as the Board may determine.

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

10.4.2.1 General descriptions of the natural terrain of the PRD tract and surrounding areas, and of the neighborhood in which the tract is situated.

10.4.2.2 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.

10.4.2.3 An evaluation and opinion upon the degree to which the proposed PRD provides a range of diversity and the size of the units as it relates to increased density that may be permitted by the Board.

10.4.2.4 An evaluation and opinion upon the degree to which any land intended to be conveyed to, or restricted for the benefit of, the Town:

(a) Provides or will in the future provide an addition to areas of open space between developed sections of the Town;

(b) Makes available land desirable for future public use; or

(c) Conforms to the Town's long-range land use plan.

10.4.2.5 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.

10.4.2.6 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.

10.4.3 *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 its report and recommendations upon the degree to which the proposed development enhances the protection of environmental qualities including at least:

10.4.3.1 An evaluation and opinion upon the degree to which the development itself impinges upon environmental areas.

10.4.3.2 An evaluation and opinion upon the degree to which the common open space protects environmental areas and provides a valuable outdoor recreation resource.

10.4.3.3 An evaluation and opinion upon the degree to which any land intended to be conveyed to, or restricted for the benefit of, the Town:

(a) enhances the protection of environmental areas, unique natural features, scenic vistas or potential or existing farmland; or

(b) provides a valuable addition to the open space resources of the Town.

10.4.4 *Board Issuance of Special Permit:* A special permit shall be issued under this section only if the Board 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 Bylaw otherwise applicable to the district(s) in which the PRD tract is located. If a special permit is granted the Board shall impose as a condition thereof that the installation of municipal services and construction of interior drives within the PRD shall comply with the Subdivision Rules and Regulations of the Planning Board to the extent applicable, 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 shall give due consideration to the reports of the Planning Board and Natural Resources Commission and where the decision of the Board differs from the recommendations of the Planning Board or Natural Resources Commission, the reasons therefor shall be stated in writing.