

4700A. NORTH ROAD RESIDENTIAL OVERLAY DISTRICT

4710A. Purpose. The purpose of the North Road Residential Overlay District (NRROD) is to (a) encourage redevelopment along the Route 117 corridor that exhibits a blend of complementary land uses, including multi-family residential development, thereby promoting an active streetscape, enhancing the vitality of businesses, and spurring the revitalization of underutilized properties which build the Town's tax base; (b) establish a set of development controls that allows for greater flexibility and development alternatives and promotes creative, efficient, and appropriate solutions for the redevelopment of complex sites; (c) improve the aesthetic character of the Route 117 corridor and its surroundings and encourage efficient and organized layout of buildings, circulation and open spaces; and (d) diversify and expand the Town's economy and local job opportunities through economic activity and private investment in primarily residential uses with limited commercial use.

4720A. Overlay District. The NRROD is hereby established as an overlay district superimposed over, rather than replacing, the Research District. Notwithstanding anything to the contrary in this Zoning Bylaw, for any land subject to Section 4700A, a Proponent may choose to have its project conform to either, but not both, all of the controls and processes which govern the Research District or to all of the controls and processes contained in Section 4700A. Except as explicitly provided elsewhere in Section 4700A, the provisions and requirements of other applicable zoning districts, and any rules, regulations, approval processes and/or design or performance standards contained elsewhere in this Zoning Bylaw, shall not apply to any project developed pursuant to Section 4700A. Notwithstanding the above, 3200 (Signs and Advertising Devices). Any NRROD Project shall comply with Section 4200 (Water Resource Protection Overlay Districts) to the maximum extent practicable.

4730A. Definitions. As used in Section 4700A, the following terms shall be defined:
Master Development Plan - a master development plan approved at Town Meeting in accordance with Section 4700A.

NRROD Project Area - the geographic area for a project delineated on a Master Development Plan.

NRROD Project - a project that is depicted on a Master Development Plan.

Proponent - the applicant or developer of a proposed NRROD Project or any phase or portion thereof.

Rules and Regulations - the rules and regulations adopted by the Planning Board for the administration of Section 4700A.

4740A. Master Development Plan. A project developed pursuant to Section 4700A must have a Master Development Plan adopted by a two-thirds vote of a Town Meeting.

4741A. Master Development Plan Requirements. The Proponent of the NRROD Project shall file with the Town Clerk, with a copy to the Planning Board and the Zoning Board of Appeals, a package of Master Development Plan materials that includes, at minimum, the following information:

- a. A plan of existing conditions showing the area of land proposed to be developed under Section 4700A, including topography and the location of existing roadways, buildings, other site improvements;
- b. A map showing the general condition and topography, of the land and improvements located within 200 feet of the NRROD Project Area;
- c. A scalable development plan of the NRROD Project showing:
 - i. The location and areas of proposed development, including building envelopes, approximate sizes of all buildings (including footprint dimensions, height, gross floor area of each use type, and number and mix of residential units), parking areas (including number of spaces), proposed location of areas for stormwater and wastewater facilities, and other proposed site improvements;
 - ii. Proposed open space areas;
 - iii. The location and width of the proposed roads and ways (including private ways and driveways);
 - iv. Proposed setbacks of buildings to exterior property lines;
 - v. Proposed preliminary subdivision plan of land, if applicable;
 - vi. Total unit and bedroom count for residential uses;
 - vii. Total square footage and use type(s) of proposed commercial space.
- d. Elevations showing the planned architectural approach for the proposed structures.

4742A. Final Plan Approval. A Master Development Plan for a NRROD Project shall require approval from the Planning Board subsequent to Town Meeting approval, as set forth herein.

The applicant shall provide to the Planning Board, at a minimum, all of the items required pursuant to Section 4741A and Section 6350, plus the following:

- a. Total land area of the NRROD Project Area;
- b. For each development or use area, the following pre- and post-development calculations shall be provided by percent of total proposed lot area and percent of the development/use area: total building square footage and building coverage; total impervious surface area; total open space area;
- c. Accompanying technical reports and studies, consisting of a (i) stormwater and drainage report, (ii) wastewater management system report (iii) traffic study, (iv) utilities and infrastructure report, (v) fiscal impact report, and a (vi) draft construction management/phasing plan;
- d. A parking schedule for each proposed use;
- e. The NRROD Project's conformance with the dimensional requirements contained in Section 4780A;
- f. Detailed site plans and floor plans depicting the specific proposed location, height, gross square footage and layout of buildings, as well as the specific location, width and specifications of roadways and drainage infrastructure.
- g. Certified list of abutters within 300 feet of the NRROD Project Parcel(s);
and
- h. Such other materials as may be required by the Rules and Regulations adopted pursuant to Section 4764A or as may reasonably be requested by the Planning Board during the public hearing.

4743A. Zoning Board of Appeals Recommendation.

Within 45 days after submission to the Planning Board of the Master Development Plan package referenced in Section 4741A, the Zoning Board of Appeals shall convene a public hearing to review such materials within notice to interested parties as set forth in G.L. c.40A, §11. Within 30 days after the close of such public hearing, the Zoning Board of Appeals shall make a written recommendation to the Planning Board, which recommendation shall include any conditions or plan modifications recommended by the Zoning Board of Appeals. The Planning Board shall not act on the Master Development Plan prior to receipt of the recommendation of the Zoning Board of

Appeals or the expiration of 30 days after the close of the Zoning Board of Appeals public hearing.

4744A. Planning Board Decision.

- a. After a public hearing has been held with notice to interested parties pursuant to G.L. c. 40A, § 11, the Planning Board shall approve the Master Development Plan if it finds that the final plans and materials (i) materially conform to the Master Development Plan approved by Town Meeting and the standards and requirements set forth in Section 4700A, and (ii) promote the purposes of the Zoning Bylaw as noted in Section 4710A. Approval of the Planning Board shall require a four-fifths supermajority.
- b. The Planning Board's approval may include reasonable conditions, limitations, and safeguards, including without limitation conditions to ensure adequacy of (i) utilities (including features promoting renewability and sustainability), wastewater disposal, and stormwater drainage, (ii) pedestrian accommodations and traffic improvements, (iii) parking and circulation, (iv) fire and service equipment access, (v) lighting and noise protections, and (vi) general massing and architecture.
- c. Plans shall be deemed to materially conform to the Master Development Plan approved by Town Meeting if, notwithstanding any changes in site layout or design, such plans do not increase the total number of units, do not increase the gross square footage of commercial space proposed or the total number of bedrooms, and do not change the unit mix as between one, two, and three bedroom units including the proposed number of age restricted units.

4750A. Modifications to an Approved Master Development Plan. Following approval at Town Meeting of a Master Development Plan for a NRROD Project, modifications to such Master Development Plan may be made as follows.

4751A. Minor Modification. The Planning Board may, in its discretion, approve minor modifications to an approved Master Development Plan without requiring a further public hearing. For purposes of this subsection, a plan modification is "minor" if the changes proposed, considered in the aggregate with any previously approved minor modifications:

- a. Do not involve the construction of an additional building not included in the approved Master Development Plan, with the exception of ancillary buildings not exceeding 500 square feet at the discretion of the Planning Board;

- b. Do not increase by more than five percent (5%) the total gross floor area of any land use included in the approved Master Development Plan;
- c. Do not result in an increase in the number of dwelling units in the Project.
- d. Do not increase or decrease the proposed number of parking spaces by five percent (5%) of the total number approved;
- e. Do not alter the proposed access points to the development from any public way significantly, as determined by the Planning Board;
- f. Proposes a division of the NRROD Project Area that does not result in any violation of any of the foregoing minor modifications; or
- g. Proposes a change in use from one permitted use under the RDORZ to another permitted use under the NRROD without any violation of any of the foregoing minor modifications.

4752A. Project Modification Review. A NRROD Project shall undergo Project Modification Review for any proposed modification of the approved Master Development Plan that exceeds one or more of the thresholds identified in Section 4751A (a) through (e) or (g), provided that in no event shall a Project Modification be permitted that would: (a) result in construction of additional dwelling units; or (b) result in more than a 20% increase in gross floor area used for commercial purposes, absent approval of a new Master Development Plan by Town Meeting.

- a. Submittal Requirements. An application for Project Modification Review shall be filed with the Planning Board in the manner and quantity specified in the Rules and Regulations.
- b. Review Procedure. An application for Project Modification Review shall require a public hearing with notice to interested parties pursuant to G.L. c.40A, §11. The Planning Board's review and consideration of an application for Project Modification Review shall be in accordance with the Rules and Regulations.
- c. Criteria. The Planning Board shall issue a decision approving a Project Modification of the NRROD Project if it finds that the following criteria have been met with respect to the project or the phase or portion thereof for which a building permit is being sought: (i) the final plans substantially conform to the Master Development Plan requirements, and are compliant with the standards and requirements set forth in Section 4700A; and (ii) the project or applicable phase or portion thereof does not pose material adverse impacts to the

neighborhood. The findings required under clause (ii) above may be satisfied through the Planning Board's imposition of mitigation measures and other requirements pursuant to Section 4761A that, if satisfied, are designed to cause the project or applicable phase thereof to conform to these criteria.

d. Decision. The Planning Board shall issue a decision on the proposed Project Modification within 120 days of the application submittal, unless mutually extended. The Planning Board may impose additional reasonable conditions upon the approval of a proposed Project Modification. A majority vote of the Planning Board shall be required for approval or denial of a Project Modification.

e. Denial. In the event that the Planning Board finds that a proposed Project Modification to an approved NRROD Project does not satisfy the criteria set forth herein, the Proponent may, at its option, (i) withdraw the Project Modification proposal; (ii) modify its plans to make them consistent with the Planning Board's findings and submit the modified plans to the Planning Board for reconsideration in accordance with this Section, or (iii) seek approval of a revised Master Development Plan at Town Meeting.

4753A. Notwithstanding the foregoing, minor adjustments in the location and configuration of the buildings, parking areas, and other site features shown on a Master Development Plan shall not require Planning Board approval provided that such minor adjustments do not exceed any of the thresholds set forth in Section 4751A and a qualified professional certifies to the Building Inspector that such adjustments comply with the dimensional limitations and other controls contained in Section 4700A and that such adjustments are necessary owing to a site condition such as topography, soils conditions, hydrology, groundwater, or other relevant engineering or design criteria.

4760A. Administration. The following administrative regulations shall apply in the NRROD :

4761A. Development Agreement. A NRROD Project shall mitigate the impacts of the development to the satisfaction of the Town. The Proponent's mitigation and other general project commitments shall be memorialized in a Development Agreement entered into between the Proponent and the Board of Selectmen, which shall be submitted in recordable form binding upon the Proponent. No building permit shall be issued for any phase or portion of the NRROD Project requiring approval under Section 4700A until the Development Agreement has been executed. The Development Agreement shall include, at a minimum, consideration of some or all of the following:

a. Required mitigation to address the impacts arising out of the use and occupancy of the NRROD Project;

- b. Restrictions on development areas and such other development limitations as may be agreed upon;
- c. Proposed phasing of the NRROD Project, if applicable;
- d. Obligations with respect to pedestrian and vehicular interconnectivity within and proximate to the NRROD Project Area to facilitate pedestrian access and parking efficiencies;
- e. The authority of the Town to retain the necessary professionals at the Proponent's expense to assist in their review of development applications.

4762A. Phased Development. An approved NRROD Project may be constructed in one or more phases in accordance with a construction management/phasing plan submitted pursuant to Section 4741A.

4763A. Application of Requirements to Individual Lots. The requirements of Section 4700A, including the dimensional requirements set forth in Section 4780A, shall not be applied to the individual lots or ownership units within the NRROD , but shall be applied as if the entire NRROD were a single conforming lot, whether or not the same is in single or multiple ownership.

4764A. Rules and Regulations. The Planning Board may adopt rules and regulations for the administration of Section 4700, which may include but not be limited to defining the application and submittal requirements, fees, reimbursement for consultants, performance guarantees, and procedural requirements for any approvals required pursuant to Section 4700A.

4765A. Issuance of Building Permit. Following approval of a Master Development Plan by the Planning Board, the Proponent shall submit a building permit application and such other materials and fees as may be required to the Building Inspector and a building permit may thereafter be issued for the approved project or any individual component thereof. Building permits may be sought and issued for individual components of an approved project. Except as may otherwise be required by a Development Agreement, nothing in Section 4700A shall obligate the Proponent to construct all or any portion of the improvements shown on an approved Master Development Plan.

4766A. Transfer of NRROD Approvals. Approval of a NRROD Project, or any individual portion thereof, may be freely transferred between owners, provided that the transferee complies with the provisions of Section 4700A and any Planning Board approval rendered hereunder, and the Planning Board is notified of the transfer.

4767A. Lapse. An NRROD approval shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within three (3) years following the date the Master Development Plan is approved by the Planning Board. Substantial use, including, without limitation, the issuance of a building permit for construction of all or any portion of the approved Master Development Plan, shall vest the Master Development Plan, provided construction on that phase of the Master Development Plan for which the building permit was issued is commenced within one (1) year of issuance of the building permit. The Planning Board may extend such approval, for good cause, upon the written request of the Proponent. Delay in obtaining building permits caused by delay in approvals of any other permit necessary to construct a NRROD Project shall constitute good cause under this Section, provided that the Applicant has in a timely manner applied for and diligently pursued such permits and that such delay is not the result of the actions or inactions of the Applicant.

4770A. Uses. The land and buildings shown on an approved Master Development Plan may be used as of right for any use listed below and, to the extent not listed below, any Permitted Use in the underlying zoning district(s), as set forth in the table of principal use regulations (Section 2230, Appendix A) of the Zoning Bylaw.

4771A. Permitted Principal Uses. The following principal uses shall be permitted, alone or in combination, within the NRROD , subject to Town Meeting approval of a Master Development Plan:

a. Commercial Uses.

1. Business or Professional Office with fewer than five employees.
2. Child care facility serving only residents of the NRROD Project.
3. Personal Service Establishment – under 1,000 square feet.
4. Restaurant – under 1,000 square feet.
5. Retail Stores and Services not elsewhere set forth – under 1,000 square feet.

b. Residential Uses.

1. One-Family, Two-Family and Multi-Family Dwellings
2. Assisted Living or Continuing Care Retirement Community (CCRC) residential housing, which uses may include some or all of the following

accessory uses designed to serve residents and visitors of the Assisted Living and/or CCRC:

- (a) any or all of the following uses and associated services, individually or in any combination, as part of dwellings or as separate structures, including, but not limited to: i) Dining rooms, coffee shops and related kitchen areas and facilities; ii) Living rooms, libraries, music rooms, auditoriums, greenhouses; iii) Lounges, card rooms, meeting rooms, and other social and recreational areas; iv) Administrative offices, social service offices, educational uses; v) Mail rooms, gift shops, convenience stores; vi) Medical offices, diagnostic and treatment centers, wellness centers, exercise areas, home health care centers; vii) Professional offices; viii) Barbers, hairdressers, beauty salons; ix) Banks and ATM banking machines; x) Home health care; xi) Adult and child care services; xii) Cleaning services; xiii) Other uses, services and activities incidental to the operation of a CCRC.
- (b) Skilled nursing and memory care; and
- (c) All uses required by Massachusetts statute or regulation to receive a license or permit to operate and maintain such Assisted Living or Continuing Care Residential Community.
- (d) In the event that the applicant proposes an Assisted Living or Continuing Care Residential Community, such uses may be approved in the discretion of the Planning Board as a modification to the Master Development Plan. If the Planning Board approves such modification, it may impose reasonable conditions, including without limitation a corresponding reduction in the number of residential housing units and/or commercial space approved in the Master Development Plan.

3. Clubhouses, recreation facilities and other accessory amenities and infrastructure to serve residential units within the NRROD Project.

4772A. Prohibited Uses. Any use(s) not expressly allowed either under Section 4771A or within the underlying zoning district(s) shall be prohibited unless the Building Inspector determines that such use is substantially similar in both its characteristics and its impact on abutting properties to a use listed as permitted as of right under Section 4771A or within the underlying zoning district(s).

4780A. Dimensional Standards and Requirements. No NRROD Project shall be approved, and no principal or accessory building or structure shall be erected in a NRROD Project unless said NRROD Project and the buildings and structures proposed

therein conform to the following requirements, calculated in accordance with Section 4763A:

- a. Maximum Building Height:
 - i. 3 stories; 45 feet (or 50 feet, in the case of pitched roofs)
 - ii. 4 stories; 60 feet if set back more than 500 feet from Route 117
- b. Maximum Building Coverage: 35% of the NRROD Project Area as a whole
- c. Minimum NRROD Project Area: 150,000 square feet
- d. Minimum Front Yard Setback: 100 feet
- e. Minimum Side Yard Setback: 20 feet [see Section 4783A]
- f. Minimum Rear Yard Setback: 30 feet
- g. The NRROD shall comply with the parking standards of Section 3100, provided that the Planning Board shall have the discretion to vary such standards if it determines that alternative conditions, including an enforceable transportation management plan warrant such variance. Where the Planning Board approves a reduction in parking requirements, it may condition such reduction upon the designation and preparation of a reserve parking area(s) in the event additional parking is needed in the future.

4781A. Subdivision. The owner of any lot shown on an approved Master Development Plan shall be entitled to lawfully divide such lot, including, without limitation, by virtue of plans endorsed by the Planning Board pursuant to M.G.L. Chapter 41, Section 81P, without modifying the approved Master Development Plan and without the need for other approvals under Section 4700A, provided that any such lot must have minimum frontage of one hundred and fifty (150) feet at the street line and a minimum lot area of two acres. Condominium forms of ownership are allowed in any NRROD project.

4782A. Two or More Buildings on One Lot. Notwithstanding anything to the contrary in this Zoning Bylaw, more than one (1) building or structure, including those intended solely for use as residential dwellings, shall be permitted on any lot within the NRROD.

4783A. Screening and Landscaping. Screening and landscaping, both internal and perimeter, for the NRROD Project shall be substantially as shown on an approved Master Development Plan, rather than by reference to Section 3500 of the Zoning Bylaw.