



PLANNING DEPARTMENT

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M E M O R A N D U M

TO: Planning Board

FROM: Joseph Laydon, Town Planner

DATE: February 13, 2017

SUBJECT: Comments for The Ridings Deliberations

On December 9, 2016 I provided the Board with a memo detailing the consensus opinion of staff from Planning, Conservation, DPW, and the Fire Department for the preferred development plan. In support of these comments (which are attached to this memo), I am also providing excerpts from the Zoning Bylaw pertaining to Major Residential Developments.

These sections outline the purpose of the bylaw, the need for consultation with other departments, waivers that the Board is encouraged to use, and the calculation of units including allowing density bonus.

A. Excerpt of 5.3 Detailing purpose of the bylaw:

5.3.2 Purpose

Major Residential Developments shall be designed to:

- a) allow for greater flexibility and creativity in the design of residential developments;
- b) encourage the permanent preservation of open space, agricultural and forestry land, and other natural resources;
- c) maintain the Town of Grafton's traditional New England rural character and land use pattern in which small villages contrast with open space and farmlands;
- d) protect scenic vistas from Grafton's roadways and other places;
- e) preserve unique and significant natural, historical and archeological resources;
- f) facilitate the construction and maintenance of streets, utilities and public services in a more economical and efficient manner;
- g) protect existing and potential municipal water supplies;
- h) encourage a less sprawling form of development;
- i) minimize the total amount of disturbance on the site.

B. Consideration from other Departments

5.3.5.1.2 The Planning Board shall consider the recommendations of the Board of Health, the Conservation Commission, and the Engineering Department of the Town of Grafton in making determinations hereunder.

C. Density Bonus

5.3.5.2 Bonus Provision: The Planning Board shall issue a FDSP containing more than the number of dwelling units permitted under Section 5.3.5.1 above, upon the Board's determination that the proposed development, through the quality of its site selection, programming and design, displays a conscious effort to comply with the purposes of Flexible Development. The increase over the number of dwelling units permitted under Section 5.3.5.1 shall be: (a) 15% of the total permitted under that section if the proposed development complies with at least 6 of the Design Guidelines specified in Section 5.3.13; (b) 20% of the total permitted under that section if the proposed development complies with at least 9 of the Design Guidelines; and (c) 25% if the proposed development complies with all Design Guidelines. Any Design Guideline that is not applicable to the site shall not be counted in determining the bonus

D. Procedural Requirements (*Note: I bolded language stating Flex Plan supersedes*)

5.3.10.2 When a Major Residential Development Special Permit is approved for a Flexible Development Plan (FDSP) submitted in accordance with Section 5.3.4.b.2-5, all subsequent submissions, requirements and approvals will be governed by the requirements of the Subdivision Rules. If Definitive Subdivision approval is required, the FDSP shall contain a condition that a Definitive Subdivision Plan complying with the Subdivision Rules be subsequently submitted to the Planning Board. **Where applicable, the provisions of Flexible Development shall supersede any other provisions to the contrary of this By-Law or the Subdivision Rules.** No development of land within a Flexible Development shall occur unless the land is in fact subdivided into lots with each dwelling having a separate lot described on an approved subdivision or approval not required plan.

E. Design of Streets, Ways and Encouraging Waivers (*Note: Bolded encouraged waivers*)

5.3.14 Ways, Interior Streets, and Utilities

The construction of all ways, interior streets and utilities shall be in accordance with the standards specified in the Subdivision Rules. The Planning Board is strongly encouraged to waive those sections of the Subdivision Rules in the interests of good design if it determines that adequate access will be provided to all lots in the development by ways that will be safe and convenient for travel. **While each development proposal is unique the Planning Board is encouraged to waive standards for cartway width (5.2.2.1), curbing (4.2, 5.7.3), Right of Way (4.1.4.1), Dead End Streets (4.1.6), Sidewalks (4.1.4.3), Drainage (4.7.9.2), Common Driveway (4.12 and 5.14) and to use a 25 mile per hour Design Speed to establish engineering criteria for minimum grade (4.1.5.1), maximum grade (4.1.5.2), minimum tangent length between reverse curves (4.1.3.3) and maximum grade within 50 feet of an intersection (4.1.5.6).** (T.M.5-13-91)

F. Disapproving Major Residential Development (**Note: Reasons to Deny do not consider Sub Regs**)

5.3.9 Requirements for Major Residential Development

...The Board may disapprove an application for Major Residential Development if it determines that: **the plan the Applicant elects to pursue does not conform to the requirements of this By-Law;** or, either the Conventional Development Plan or Flexible Development Plan presented by the Applicant **is not a good-faith effort** to create a design that is consistent with the intent and purposes of Major Residential Development, as set forth in this By-Law.