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## APPENDICES

- A. Streamlined Use Table (Westborough, MA)
- B. Streamlined Approval Process and Board Consolidation (Devens, MA)
- C. Massachusetts 43D Process
- D. Flexible Multiple Use Overlay District (Westwood, MA)
- E. Industrial Mixed Use Overlay (Bedford, MA)
- F. Suggested Organization (Westborough, MA)
- G. Best Practices
- H. Development Incentives



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**A. Streamlined Use Table (Westborough, MA)**

**Appendix A:  
Table of Principal Use Regulations**

PRINCIPAL USE	DISTRICTS									
	RA	RB	B	BL	CH	IH	IA	IB	IC	ID
<b>A. Residential Uses</b>										
1. Single-family dwelling	Y	Y	Y	N	N	N	Y	SPA	SPA	N
2. Conversion of dwelling	SPA	SPA	SPA	N	N	N	SPA	SPA	SPA	N
3. Open space residential development	SPB	SPB	N	N	N	N	SPB	N	SPB	N
4. Flexible development	SPB	SPB	N	N	N	N	SPB	N	SPB	N
5. Assisted living facility	SPB	SPB	N	N	SPB	SPB	SPB	SPB	SPB	SPB
6. Trailer, mobile or otherwise	N	N	N	N	N	N	N	N	N	N
<b>B. Exempt and Institutional Uses</b>										
1. Use of land or structures for religious purposes	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
2. Use of land or structures for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
3. Child care facility in existing building	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4. Child care facility in new building	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
5. Cemetery	SPA	SPA	SPA	N	N	N	SPA	SPA	N	N
6. Municipal facility, excluding parking lots	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
7. Municipal parking lot or garage	N	N	N	N	Y	Y	N	N	N	N
8. Essential services	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB
9. Hospital or clinic	SPA	SPA	SPA	N	SPA	N	SPA	SPA	N	N
<b>C. Agricultural Uses</b>										
1. Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture on a parcel of more than five acres in area	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
2. Facility for the sale of produce, and wine and dairy products, provided that during the months of June, July, August and September of every year, or during the harvest season of the primary crop, the majority of such products for sale, based on either gross sales dollars or volume, have been produced by the owner of the land containing more than five acres in area on which the facility is located	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

**Appendix A:  
Table of Principal Use Regulations**

<b>C. Agricultural Uses, cont'd</b>	<b>RA</b>	<b>RB</b>	<b>B</b>	<b>BL</b>	<b>CH</b>	<b>IH</b>	<b>IA</b>	<b>IB</b>	<b>IC</b>	<b>ID</b>
3. Greenhouse or nursery farm stand	N	N	N	N	Y	N	N	N	N	N
4. Temporary greenhouse or farm stand	N	N	N	N	Y	Y	N	N	N	N
5. Storage of agricultural products at nonexempt operation	SPA	SPA	SPA	N	N	N	SPA	SPA	N	N
6. Boarding, renting and sale of animals on parcels less than five acres	N	N	N	N	SPA	N	N	N	N	N
7. Boarding, renting and sale of horses on parcels less than five acres	N	N	SPA	N	SPA	N	SPA	SPA	N	N
8. Veterinary hospital or clinic	N	N	N	N	Y	N	N	N	N	N
<b>D. Commercial Uses</b>										
<b>D. (A) Retail Uses</b>										
1. Retail sales to the general public	N	N	Y	N	Y	N	Y	Y	N	N
2. Retail sales to industrial or commercial buyers	N	N	N	N	SPB	Y	N	N	N	N
3. Retail sales of dairy products	N	N	Y	N	Y	N	Y	N	N	N
4. Retail sales or leasing of motor vehicles	N	N	N	N	Y	Y	N	N	N	N
5. Major retail project	N	N	SPB	SPB	SPB	SPB	SPB	N	N	N
<b>D. (B) Motor Vehicle Services</b>										
1. Motor vehicle services	N	N	SPA	N	SPA	SPA	SPA	SPA	N	N
2. Motor vehicle repair establishments	N	N	SPA	N	SPA	SPA	SPA	SPA	N	N
<b>D. (C) Other Commercial Uses</b>										
1. Nursing or convalescent home	SPA	SPA	SPA	N	N	N	SPA	SPA	N	N
2. Funeral home	N	N	Y	N	Y	N	Y	Y	N	N
3. Hotel	N	N	Y	N	SPB	N	Y	Y	N	N
4. Restaurant	N	N	Y	Y	Y	N	Y	Y	N	N
5. Restaurant, drive-in	N	N	N	N	N	N	N	N	N	N
6. Business or professional office	N	N	Y	Y	Y	Y	Y	Y	Y	Y
7. Printing establishment; newspaper	N	N	Y	N	N	N	Y	Y	Y	Y
8. Nonexempt educational use	N	N	N	N	Y	N	N	N	N	N
9. Nonprofit membership club	Y	Y	Y	N	Y	N	Y	Y	N	N

**Appendix A:  
Table of Principal Use Regulations**

<b>D. (C) Other Commerical Uses, cont'd</b>	<b>RA</b>	<b>RB</b>	<b>B</b>	<b>BL</b>	<b>CH</b>	<b>IH</b>	<b>IA</b>	<b>IB</b>	<b>IC</b>	<b>ID</b>
10. Indoor and outdoor commercial recreation	N	N	N	N	SPA	N	N	N	N	N
11. Winter commercial recreation	SPA	SPA	SPA	N	N	N	SPA	SPA	N	N
12. Horseback riding academy	SPA	SPA	SPA	N	N	N	SPA	SPA	N	N
13. Place of amusements or assembly	N	N	SPA	N	N	N	SPA	SPA	N	N
14. Indoor motion-picture establishment	N	N	N	N	Y	N	N	N	N	N
15. Golf course; golf club	SPA	SPA	SPA	N	N	N	SPA	SPA	N	N
16. Personal service establishment	N	N	Y	Y	Y	N	Y	Y	N	N
17. General service establishment	N	N	N	Y	Y	Y	N	N	Y	Y
18. Planned commercial development	N	N	N	N	SPB	N	N	N	N	N
19. Commercial parking lot	N	N	N	N	Y	Y	N	N	N	N
20. Adult entertainment establishment	N	N	N	N	SPA	N	N	N	N	N
21. Massage establishment	N	N	N	N	N	N	N	N	N	N
22. Body art establishment	N	N	N	N	SPA	N	N	N	N	N
23. Major commercial project	N	N	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB
24. Adult day care facility	SPA	SPA	SPA	N	N	N	SPA	SPA	N	N
<b>E. Industrial Uses</b>										
1. Research/office park	N	N	N	N	Y	Y	Y	Y	Y	Y
2. Warehouse	N	N	N	N	N	SPB	SPB	SPB	SPB	SPB
3. Planned industrial development	N	N	N	N	N	SPB	N	SPB	N	N
4. Removal of sand and gravel	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
5. Quarrying; mining	N	N	N	N	N	N	Y	N	Y	Y
6. Sawmills and wood processing	N	N	N	N	N	Y	Y	N	N	N
7. Light manufacturing	N	N	N	N	N	Y	Y	Y	Y	Y
8. Light manufacturing with not more than four employees	N	N	N	N	Y	Y	N	N	N	N
9. Wholesale trade	N	N	N	N	Y	Y	N	N	Y	Y
10. Junkyard or automobile graveyard	N	N	N	N	N	N	N	N	N	N
11. Wholesale underground fuel storage	N	N	N	N	N	SPA	N	N	N	N

See Definitions      Y=permitted, N=not permitted

SPB = special permit by Planning Board

SPA = special permit by Zoning Board of Appeals

**Appendix A:  
Table of Principal Use Regulations**

<b>F. Other Uses</b>	<b>RA</b>	<b>RB</b>	<b>B</b>	<b>BL</b>	<b>CH</b>	<b>IH</b>	<b>IA</b>	<b>IB</b>	<b>IC</b>	<b>ID</b>
1. Research conducted by a nonprofit educational institution	SPA	SPA	SPA	SPA	N	N	SPA	SPA	SPA	SPA
2. Drive-up or drive-through facilities, except restaurants	N	N	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB
3. Accessways to other districts	Y	Y	Y	Y	Y	Y	Y	N	N	N
4. RTF, including Antennas, equipment and Structures (see Section 6.2 for exemptions)	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA



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**B. Streamlined Approval Process and Board Consolidation (Devens, MA) – Part 1**

# Permitting

## Expedited Local Permitting

Devens projects benefit from an expedited, 75-day permitting process administered by the Devens Enterprise Commission (DEC), the independent regulatory and permitting authority for the Devens Regional Enterprise Zone. Wearing multiple hats—as the board of health, conservation commission, zoning board of adjustment, and planning board—the DEC performs its multiple duties in the context of a unique and innovative “one-stop” unified permitting system, which greatly streamlines the local regulatory process.

As a result, most development permit applications are acted on within 75 days. A recent example is Bristol-Myers Squibb’s \$750 million Large Scale Cell Culture facility, which was approved by the DEC in just 49 days. No other Massachusetts permitting process can match the project flexibility and approval speed that Devens has to offer.

## Key Aspects of the Process

An effective streamlined permitting process requires open lines of communication between applicant and regulator, a complete and comprehensive application, and clearly-defined provision for public comment. The DEC’s process incorporates all three of these elements.

- **Open Lines of Communication**

The most successful applicants meet early and often with the DEC. An initial scoping session is a critical element as an opportunity for the applicant to get initial feedback from DEC staff on the proposed project as well as a chance to pose any procedural questions. Additional pre-permitting conferences may be required to review critical development issues, application contents, waiver requests, design guidelines, and scheduling issues. With full time staff and an open door policy, the DEC is ready and able to assist.

- **Complete and Comprehensive Application**

The DEC application requires more information than is normally required in some municipalities. The goal is to provide the DEC commissioners, staff, and their peer review consultants proactively with all of the information they will need to make their decision within 75 days, thereby minimizing the potential for schedule-busting last minute requests for additional studies or reports.

- **Provision for Public Comment**

While the DEC process is built for efficiency, public input is an integral component of the review process. The DEC process provides the surrounding towns (Ayer, Harvard, and Shirley) 30 days to render comments to the DEC on an application. Additionally, members of the general public are welcome to comment on applications either in writing or in person at the public hearing that is held for every major project. Hearings may be continued to the next month with the agreement of the applicants. The DEC provides notice of public hearings to the general public and to abutting property owners.

**For more information on the DEC and the Devens unified permit process, visit the DEC’s website at [www.devensec.com](http://www.devensec.com) (<http://www.devensec.com>).**



- [Devens Enterprise Commission](http://www.devensec.com)  
(<http://www.devensec.com>)
- [Proposed Zoning Changes - Devens, MA](http://courbanize.com/devens-zoning/)  
(<http://courbanize.com/devens-zoning/>)

Please also refer to:

**Unified Permitting System for the Redevelopment of Fort Devens**

(<http://bgc.pioneerinstitute.org/unified-permitting-system-for-the-redevelopment-of-fort-devens/>)



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**B. Streamlined Approval Process and Board Consolidation (Devens, MA) – Part 2**



## OVERVIEW OF DEVENS ENTERPRISE COMMISSION PERMITTING PROCESS

### Role of the Devens Enterprise Commission (DEC):

The DEC acts as the regulatory and permitting authority for the Devens Regional Enterprise Zone. It functions as a board of health, conservation commission, zoning board of adjustment, and planning board. It carries out these duties in the context of a unique and innovative one-stop, or unified permitting system, which greatly streamlines the local regulatory process. Section 9 of Chapter 498 lists the complete roles and responsibilities of the Commission <http://www.devensec.com/devserv.html>. There are twelve DEC Commissioners. Six commissioners are nominated by Ayer, Harvard, and Shirley. Six additional regional Commissioners are appointed by the Governor. The Governor appoints the Chairperson.

### Meeting Schedule and Application Timelines:

The DEC holds regular monthly meetings on the first Thursday after the first Tuesday of each month. Public hearings are generally held on the last Tuesday of each month. Most development permit applications are acted on within 75 days. No other permitting process can match the project flexibility and approval speed that Devens has to offer.

### Application Review Process:

The Devens By-laws and DEC's Development Rules and Regulations provide for Level One and Level Two permit application review processes. Level One actions allow rapid approval at the Administrative level (generally within 14 days) for relatively minor adjustments to site plans, lot lines, and architectural modifications in historic areas, as well as wetland certificates of compliance. Level Two actions require a full public hearing, and generally involve larger scale undertakings such as most new construction, adaptive reuse of existing buildings and any major private and/or public infrastructure improvements. Anything not specifically identified as a Level One action requires Level Two review.

### The application review process for Level Two permits typically consists of the following:

1. **Scoping Session:** A preliminary meeting between the Applicant and the Director to determine the components of the Permit, the timing of the Submission and permitting process, and general scope of the project submittal items.
2. **Determination of Zoning Compliance:** An Applicant may seek Determination from the DEC that the proposed uses and activities are permitted within the zoning district in which the development site is located and the proposed uses comply with the development goals of that zoning district. Such determination is made by the Commission at a public meeting. The Applicant must submit a statement indicating how the proposed use and development comply with the applicable zoning district (as per the By-Laws and Reuse Plan).
3. **Pre-Permitting and Final Conferences:** Pre-Permitting Conferences with the Director are required to review which development issues are critical, Submission and Plan Form and Contents requirements, Waivers of Design Standards and preliminary time schedules.
4. **Determination of Completeness (DOC):** Upon completion of the Final Pre-Permitting Conference, the Director shall render a written DOC within 14 calendar days. "Complete" means that a Submission complies with the Plan Form and Contents and Submission requirements of all applicable DEC Rules and Regulations (see 974 CMR 3.02 for requirements). Submissions can be determined conditionally complete, however a schedule for the submission of deficient or additional items shall be attached to the DOC.
5. **Town Comment Period:** The DEC provides surrounding towns (Ayer, Harvard and Shirley) 30 days to render comments to the DEC on the Submission. The public hearing shall not be closed until the thirty-day town comment period is concluded.
6. **Public Hearing Requirement and Abutter Notices:** The DEC provides notice of public hearings to the general public and to abutting property owners.
7. **Public Hearing Continuances:** The DEC may, with the consent of the Applicant, agree to one or more continuances of public hearings of up to 30 days each.
8. **The Voting Process:** All DEC votes are by a majority of a quorum (seven DEC members). Seven votes are required for a Variance and Reconsideration. Eight votes are required to adopt or amend Regulations.

9. **Record of Decision (ROD).** The ROD is issued within 10 days from the date of the DEC's vote. The Applicant shall record the ROD with the Registry of Deeds for both Worcester and Middlesex Counties and provide proof thereof to the DEC prior to the issuance of a building permit.
10. **Endorsement.** After the appeal period has expired (30-days), the Applicant submits plans for endorsement by the DEC. Plans are recorded with the Registry of Deeds for both Worcester and Middlesex Counties and proof of recordation submitted to the DEC prior to the issuance of a building permit.
11. **Permit Duration.** Site Plan approvals are valid for 2 years. Work must commence within 6 months of approval or the approval expires. Extension of these timeframes is possible.

**Application Fees:**

**Unified Permit** fees cover all DEC activities from the Pre Permitting Conference through the Building Permit. The fee is based on the total value of all construction and improvements, including site preparation, construction, engineering and site testing, roads, paving, parking lots, landscaping, and other improvements. The cost of the building must be included in the total value of all construction for the purposes of calculating the fee. The fee consists of a base fee and a value increment based on the gross value of the project.

**UNIFIED PERMIT FEE**

Gross value of project (inclusive of the buildings and all site development work and infrastructure improvements)	Base fee	Plus value increment (if any)
\$1,000,000 or less	\$1,300	Plus \$13 per \$1000 of work above \$100,000
\$1,000,000 and above	\$13,000	\$11.00 for each additional \$1000 in work above \$1,000,000

**Peer Review Fees.** The DEC may seek review and analysis from outside consultants (peer review). Applicants are required to pay 100% of the consultants' fees. Outside consultants employed by the DEC for plan review routinely include civil engineers, landscape architects, wetlands scientists, and attorneys and may include additional specialists, depending on level of complexities of a Submission or "special environmental conditions". Peer review deposits are retained until the project is completed.

The complete Devens Bylaws and Rules and Regulations are available on-line at [www.devensec.com](http://www.devensec.com)

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**C. Massachusetts 43D Process – Part 1**



The Official Website of the Executive Office of Housing and Economic Development (EOHED)

## Housing and Economic Development

[Home](#) > [Initiatives](#) > [Executive Office of Housing and Economic...](#) > [MPRO](#) > [Zoning and Permitting](#) > [Local Expedited Permitting - 43D](#)

### Local Expedited Permitting - 43D

Program specific information about Chapter 43D expedited permitting and the application process

#### History

On August 2, 2006, Massachusetts General Law Chapter 43D was signed into law. The 43D Program was amended on August 7, 2012 in Section 25 of Chapter 238 of the Acts of 2012.

This program offers communities a tool to promote targeted economic and housing development.

#### Chapter 43D

- Provides a transparent and efficient process for municipal permitting
- Guarantees local permitting decisions on priority development sites within 180 days
- Increases visibility of your community and target development site(s)

#### The Benefits of Opting-in

- Priority consideration for the MassWorks Infrastructure Program grants, brownfields remediation assistance, and other financing through quasi-public organizations
- Online marketing of your site and promotion of your pro-business regulatory climate
- Improved municipal planning and permitting efficiencies
- Collection of special fees for priority development site permit applications

#### The Criteria for Priority Development Sites

- May be zoned for commercial, industrial development, residential or mixed use purposes
- Must be eligible for the development or redevelopment of a building of at least 50,000 square feet of gross floor area (may include existing structures and contiguous buildings)
- Sites must be approved by the local governing authority
- Must be approved by the state Interagency Permitting Board

#### The Obligations of Opting into Chapter 43D

- The community must identify a qualifying parcel as a priority development site, and obtain permission of its owner (if private) for participation in the program
- Within 120 days of adopting Chapter 43D, the community must
  - appoint a single municipal point of contact for streamlined permitting;
  - amend local rules, regulations, bylaws, etc. to comply with 180 day permit timeline;
  - determine and make available the requirements for each permit;
  - establish a procedure for identifying necessary permits for a project;
  - establish a procedure for determining completeness of the required submissions.
- After the 120 phase-in period is complete, the town must render permitting decisions on priority development sites within 180 days

#### Protections for Communities

- The 180 day guarantee is suspended if the governing body determines:
  - an application is incomplete
  - an application contains false or misleading information
  - that substantial changes to the project affect the information on the permit applications since the original submission

#### Application Process

- Current

application 

information

#### Who is Participating in the Chapter 43D Program?

- Current listing of participants

#### Chapter 43D Regulation Information

- Learn about the [regulation](#)

#### Interagency Permitting Board and Schedule

- The Interagency Permitting Board was created by Chapter 205 of the Acts of 2006. The State Permit Ombudsman serves as Chair of the Board, which is charged with administering the Chapter 43D Expedited Permitting Program and expedited projects on those sites, working with the Massachusetts Office of Business Development and regional planning agencies to better serve local businesses, evaluating state permit processes and recommending changes for improved efficiency; and working with municipalities to facilitate communication with state agencies.
- Unless otherwise noted Interagency Permitting Board meetings will be held on the second Wednesday of the month from 10am-12pm.

#### Contact Information

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 No

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**C. Massachusetts 43D Process – Part 2**

(Appendix A from “A Best Practices Model for treamlined Local Permitting” by The Massachusetts Association of Regional Planning Agencies, November 30, 2007)

# APPENDIX A:

## Chapter 43D: A Step-by-Step Guide to Adoption

### **Step 1: Identify areas within your municipality that you would like to see developed for commercial/industrial or mixed uses.**

Ch. 43D expedited permitting is specific to sites designated as Priority Development Sites (PDS). The PDS may include an individual parcel or several contiguous parcels. The locations must be:

- (1) zoned for commercial, industrial or mixed uses;
- (2) eligible under applicable zoning provisions, including special permits or other discretionary permits, for the development or redevelopment of a building at least 50,000 square feet of gross floor area in new or existing buildings or structures; and
- (3) approved by the landowner(s) as a priority development site.

In addition, there is a preference that locations meet one or more of the following criteria:

- (1) located adjacent to areas of existing development;
- (2) include underutilized buildings or facilities; or
- (3) located close to appropriate transit services.

In pursuing the Ch. 43D designation, the municipality is making a statement that these are the specific locations within the municipality where development should occur. The decision to prioritize these areas is very important.

In selecting a site, the municipality should consider: 1) the master plan for the community, 2) the regional plan for growth and development, 3) the availability of infrastructure, and 4) any community impacts that may be problematic in the permitting stage. The municipality will have 180 days to review permit applications within the PDS. To accomplish this task effectively, these factors must be assessed prior to designating a PDS.

### **Step 2: Consult your Regional Planning Agency (RPA)**

RPAs have been selected by the Legislature as a partner in the Ch. 43D process. They have expertise in selecting appropriate sites, and navigating the steps in the Ch. 43D process, including the application and technical assistance request. In addition, they have partnerships with Mass Development and other agencies, and can assist with soliciting additional technical assistance from other sources.

### **Step 3: Approach the relevant landowners**

Ch. 43D requires that every landowner within a PDS approves that the site receive that designation. While the majority of landowners appreciate this opportunity, it is important to engage them early in the process to receive support for moving forward. The landowner will ultimately be required to endorse the Ch. 43D application before it is submitted to the Interagency Permitting Board; other forms of consent letters will not be accepted during the application phase in lieu of landowner signatures on the application.

### **Step 4: Review Zoning Bylaws and Ordinances**

Ch. 43D requires the municipality to issue decisions on all permits for a PDS project (see Step 5 for specific list) within 180 days of the application being deemed complete. In most cases, city or town ordinances and bylaws allow for a decision within this timeframe, but the administrative policies and scheduling needs to be adjusted. However, in some cases where bylaws spell out an order of review for

## APPENDIX A: Chapter 43D: A Step-by-Step Guide to Adoption

the various boards sequentially, it may be practically impossible to review the project within 180 days. With town counsel assistance, towns should assess the local bylaws and ordinances to assure that the 180 day review period is possible, and if not, propose amendments prior to designating a PDS (i.e. simultaneous review of a permit application by multiple boards, joint board hearing).

The ordinance/bylaw review should take these requirements into account to assess whether an amendment is necessary to accomplish Ch. 43D. These steps will help determine the specific procedures that the municipality will utilize to meet the requirements of Ch. 43D.

### **Step 5: Consult with relevant boards and commissions**

Orders of conditions and wetlands decisions issued by the Conservation Commission, Special Permits issued by the ZBA and/or Planning Board, Site Plan Review issued by the Planning Board, Flammable Materials License issued by the Fire Chief, historic district decisions, and Title V and septic decisions issued by the Board of Health are all subject to the 43D requirement that all permit reviews be completed within 180 days for projects on a PDS. Building permits issued by the building inspector, ANR plan approval and subdivisions under the subdivision control law are not affected by this statute.

In order to gather support at town meeting and effectively implement the expedited permitting statute, it is important to meet and discuss the Ch. 43D proposal with these boards to gather feedback and fully understand their particular review processes.

Furthermore, the relevant boards and commissions are a great resource to discuss technical assistance needs and procedural improvements.

### **Step 6: Finalize Location**

Upon receiving feedback from the various boards and commission and landowners, the municipality is ready to finalize the location to propose to the legislative body for PDS determination.)

### **Step 7: Bring the Priority Development Site Proposal to the appropriate legislative body for approval**

The town meeting, town council, or city council must approve the creation of a PDS by a simple majority vote. While this requirement seems onerous, the process has been smooth to date because the landowner(s), town leadership and relevant boards have been consulted and have supported the proposals. Among other things, those presenting at town meeting should consider highlighting the specifics of the Ch. 43D program including the prospective uses for the parcel, potential uses for the technical assistance grant, and the tax benefits of development on the proposed parcel.

Each Priority Development Site requires a separate vote of the Town Meeting, Town Council or City Council. Sample warrant text was prepared in conjunction with the Attorney General's Office and is available online at [www.mass.gov/mpro](http://www.mass.gov/mpro) under "Chapter 43D Expedited Permitting."

The vote of Town Meeting, Town Council or City Council does not constitute "opting in" to the program. The community does not accept the provisions of Ch. 43D on the PDS until after the Ch. 43D application is been approved by the Interagency Permitting Board (see Step 11).

# APPENDIX A:

## Chapter 43D: A Step-by-Step Guide to Adoption

### Step 8: Amend Zoning Bylaws and Ordinances (if necessary)

When the town meeting considers the PDS application, it may also consider any zoning bylaw/ ordinance amendments necessary to implement the requirements of Ch. 43D. Rather than wait until the application is approved, the town/city could consider any necessary changes at the time of PDS municipal approval.

This step requires time and resources that many municipalities may want to request in the technical assistance grant (see Step 10). This step may come later in the process, however the community should be aware that there is no “opt out” provision if the community accepts Ch. 43D and subsequent zoning changes fail to meet the required local vote. Therefore, it is strongly advised that communities make any zoning changes that would otherwise prohibit a 180-day review before opting in to Ch 43D.

### Step 9: Identify a Single Point of Contact

Chapter 43D requires that a single person be designated to serve as the municipal point of contact on Priority Development Sites. The individual must be a municipal employee or an employee of a quasi-municipal agency who will be charged with responding to inquiries the site, providing and accepting permit applications, communicating decisions to applicants, etc. It is recommended that the designated Point of Contact be a staff member and not an elected official.

### Step 10: Submit Application to Interagency Permitting Board

Upon completing the previous steps, the municipality must submit an application to the Interagency Permitting Board for approval. There is no particular timeline for this step. For instance, a community may pass a Chapter 43D article at Fall Town Meeting and submit applications six months later.

The Ch. 43D application must include details on the PDS and requests for a technical assistance grant (if being requested). The one-time grant is available to assist municipalities to meet the statutory requirements of Ch. 43D and to take actions that facilitate growth. In order to be considered for a technical assistance grant, the grant application must be submitted in conjunction with the first PDS application offered by a single municipality. The grant can be used to hire municipal staff, or engage consultants to provide technical assistance, or invest in technology improvements related to increased permitting efficiency. In formulating the grant request, the municipality must define the various tasks for which it needs technical assistance, determine a budget, and identify a timeline to accomplish these tasks.

The Interagency Permitting Board meets regularly and makes all decisions with 60 days of receiving an application. For more details on the Board, please visit [www.mass.gov/mpro](http://www.mass.gov/mpro) and click Interagency Permitting Board.

Applications are due 14 days prior to the next regularly scheduled Board meeting, and applicants should appear in front of the Board to present their case and answer questions. For complete instructions on the applications process and eligible grant requests, please view the Guidance Tool at [www.mass.gov/mpro](http://www.mass.gov/mpro) under Chapter 43D Expedited Permitting.

## APPENDIX A: Chapter 43D: A Step-by-Step Guide to Adoption

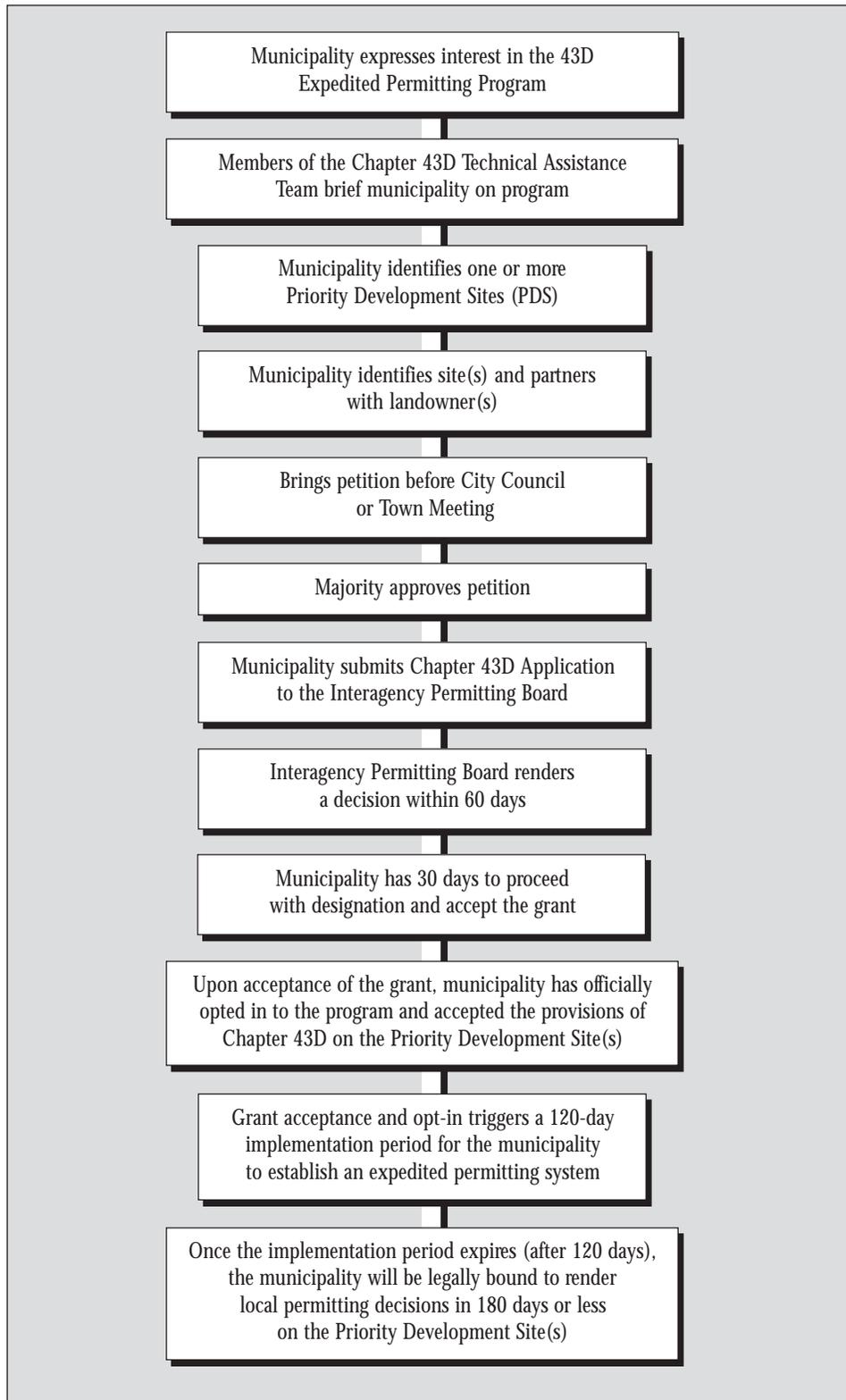
### Step 11: Opting in

Once the Interagency Permitting Board renders decisions on an application for PDS designation and a technical assistance grant, the municipality will be noticed and required to enter into a contract for that grant. Once the contract has been executed, the municipality will receive a check or electronic fund transfer from the Commonwealth for the technical assistance grant, if approved. Once the municipality cashes that check, accepts the electronic transfer, or endorses an opt-in form in the absence of a technical assistance grant, the municipality has officially “opted in” to the Ch. 43D program and a 120-day implementation period begins. During that 4-month period, the municipality must reform all the necessary procedures, bylaws and rules in order to issue all permitting decisions for a project within the PDS within 180 days. Once the 120-day period expires, the community is legally obligated for a period no less than five years to render permitting decisions on a PDS within 180 days or less. There is no “opt out” provision during these five years.

Please note that this step-by-step guide is a resource to steer a municipality through the various steps necessary to adopt and implement Ch. 43D. This is not intended to substitute the regulations, 400 CMR 2.00, or proper legal counsel. In addition, there are several helpful documents available through the Mass Permit Regulatory Office at [www.mass.gov/mpro](http://www.mass.gov/mpro).

# APPENDIX A: Chapter 43D: A Step-by-Step Guide to Adoption

## Massachusetts Permit Regulatory Office CHAPTER 43D FLOW CHART





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**D. Flexible Multiple Use Overlay District (Westwood, MA)**

expanded and/or altered pursuant to the issuance of a WCOD Special Permit from the Planning Board in compliance with the applicable provisions of this section. A new Minor wireless communication facility associated with a non-conforming Major wireless communication facility may be granted WCOD-EIDR Approval in compliance with the applicable provisions of this section.

- 9.4.11 **Time Limitation.** A special permit issued for a Major wireless communication facility over fifty (50) feet in height shall be valid for a period of five (5) years. At the end of this time period, the Major wireless communication facility shall be removed at the Applicant's expense unless the Applicant receives approval from the Planning Board to renew the WCOD Special Permit for an additional five (5) years.

## **9.5 FLEXIBLE MULTIPLE USE OVERLAY DISTRICT (FMUOD)**

- 9.5.1 **Purpose.** The purpose of the Flexible Multiple Use Overlay District (FMUOD) is as follows:

- 9.5.1.1 to provide a desirable mix of land uses, including office, retail, service and residential uses, that will serve Town and regional interests in housing, employment, conservation and net tax revenue;
- 9.5.1.2 to promote creative, efficient and appropriate solutions to the development of complex sites and encourage redevelopment of underutilized properties by providing greater flexibility of design and promoting more efficient use of land while remaining sensitive to surrounding properties and natural resources;
- 9.5.1.3 to encourage the development of comprehensive projects of appropriate scale in transit-oriented locations and areas that provide proximate access to major transportation routes;
- 9.5.1.4 to promote walking, bicycling, and public transportation, by encouraging complementary uses and facilities that support such objectives;
- 9.5.1.5 to encourage a comprehensive approach to site design, by considering buildings, open space, landscaping and site amenities, circulation patterns and parking, in an integrated manner, so as to create an aesthetically pleasing environment, without causing substantial detriment to abutting neighborhoods; and
- 9.5.1.6 to eliminate duplication of effort and foster coordination between applicable town boards and committees, which may be responsible for review of a proposed development project.

9.5.2 **Location.** Five distinct Flexible Multiple Use Overlay Districts - FMUOD 1, FMUOD 2, FMUOD 3, FMUOD 4 and FMUOD 5 - are herein established as overlay districts as shown on the Official Zoning Map and as described herein:

9.5.2.1 **FMUOD 1: University Avenue Business District.** FMUOD 1 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 1, approximately bounded by Route 128/95, the Neponset River, Canton Street and Town of Westwood Conservation Land.

9.5.2.2 **FMUOD 2: Southwest Park.** FMUOD 2 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 2, approximately bounded by Providence Highway, Route 128/95 and the MBTA Commuter Rail Tracks.

9.5.2.3 **FMUOD 3: Glacier/Everett Business District.** FMUOD 3 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 3, in the vicinity of Glacier Avenue and Everett Street, west of Providence Highway.

9.5.2.4 **FMUOD 4: Perwal/Walper Business District.** FMUOD 4 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 4, in the vicinity of Perwal and Walper Streets, east of Providence Highway.

9.5.2.5 **FMUOD 5: Allied Drive Business District.** FMUOD 5 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 5, including properties abutting the Route 128 Circumferential Highway in the vicinity of Allied Drive and East Street within Westwood.

9.5.2.6 **FMUOD 6: Washington Street Business District.** FMUOD 6 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 6, including properties along Washington Street within the Local Business B District, between Fairview Street and Everett Street.

9.5.2.7 **FMUOD 7: High Street Business District.** FMUOD 7 shall include the areas as shown on the Official Zoning Map within Flexible Multiple Use Overlay District 7, including properties along High Street within the Local Business A District, between Windsor Road and High Rock Street.

9.5.3 **Special Permit Granting Authority.** The Planning Board shall be the Special Permit Granting Authority for all FMUOD Special Permits.

- 9.5.4 **Regulations.** The Planning Board shall adopt rules and regulations for the administration of this Section (henceforth referred to as the “Rules and Regulations”). Such Rules and Regulations shall include, but not be limited to, the following: application and submittal requirements, fees, review procedures, reimbursement for consultants, performance guarantees, and procedures for the consideration of permit extensions.
- 9.5.5 **Special Permit Required.** Development under this Section requires a FMUOD Special Permit issued by the Planning Board in compliance with the provisions of this Section. Any special permits which may otherwise be required pursuant to this Bylaw shall be consolidated into the FMUOD Special Permit. In such case, a consolidated Special Permit Application shall be acted upon by the Planning Board in accordance with the requirements of this Section, regardless of which board is designated as the Special Permit Granting Authority in the applicable sections of this Bylaw. Any Environmental Impact and Design Review (EIDR) approval otherwise required pursuant to Section 7.3 of this Bylaw shall be consolidated into a mandatory site plan approval component of the FMUOD Special Permit, and no separate EIDR Approval shall be required.
- 9.5.6 **Phased Developments.** Development under this Section may be approved in one or more phases authorized under a single FMUOD Special Permit. The FMUOD Special Permit for a project approved for development in two or more phases shall include an approximate development timeline and anticipated construction schedule in conformance with the Rules and Regulations. An FMUOD Special Permit for a phased development shall be granted by the Planning Board based on the Planning Board’s approval of final plans for one or more early phases of the development, along with the Planning Board’s approval of preliminary plans for future phases of the development. In such instance, the FMUOD Special Permit shall be amended by Planning Board approval of final plans for each subsequent phase of development as such plans become available. Once final plans for any phase of development are approved under a FMUOD Special Permit or any amendment to that FMUOD Special Permit, such plans shall be deemed to be in compliance with the provisions of this Bylaw, and the Planning Board shall not require amendment of said approved final plans. Upon the issuance of a FMUOD special permit approval under this Bylaw for any individual phase, such phase shall be deemed to be in compliance with the provisions of this Bylaw, notwithstanding the status of any other phase and/or any noncompliance of such other phase with the phasing plan, or phasing requirements set forth herein or otherwise.
- 9.5.7 **Applicability.** Except as otherwise provided herein, the provisions of this Section shall apply to any parcel or set of parcels within FMUOD 1, FMUOD 2, FMUOD 3, FMUOD 4, FMUOD 5, FMUOD6 or FMUOD7, whether held in common or separate ownership.
- 9.5.8 **Permitted Uses.** FMUOD Special Permits shall be granted only for uses specified below. Except as otherwise provided herein and subject to the provisions of this Bylaw applicable to the underlying district, land and buildings in any FMUOD may be used for any purpose permitted as of right or by special permit in the underlying district pursuant to Section 4.0, Use Regulations and other applicable sections of this Bylaw. Multiple

uses may be contained within a single building or structure pursuant to an FMUOD Special Permit.

**9.5.8.1 Uses Permitted by FMUOD Special Permit in any FMUOD:**

- 9.5.8.1.1 Bank or financial institution;
- 9.5.8.1.2 Business service establishment;
- 9.5.8.1.3 Coffee shop;
- 9.5.8.1.4 Commercial recreation, indoor;
- 9.5.8.1.5 Cultural facility, art gallery or museum;
- 9.5.8.1.6 Educational facility, including public, non-profit, or for profit;
- 9.5.8.1.7 Ice cream shop;
- 9.5.8.1.8 Municipal use;
- 9.5.8.1.9 Office of a doctor or dentist;
- 9.5.8.1.10 Personal services establishment;
- 9.5.8.1.11 Printing/copy/publishing establishment;
- 9.5.8.1.12 Professional service establishment;
- 9.5.8.1.13 Restaurant with or without entertainment, less than 10,000 sq. ft.;
- 9.5.8.1.14 Retail sales and services establishment, less than 10,000 sq. ft.;
- 9.5.8.1.15 Shuttle service system.

**9.5.8.2 Additional Uses Permitted by FMUOD Special Permit in FMUOD1:**

- 9.5.8.2.1 Fast order food establishment, provided such establishment is within an office or other non-retail building and is accessed through that building's lobby, atrium or interior corridor, and provided such establishment does not have a direct entrance from the exterior of the building or a drive-thru;
- 9.5.8.2.2 Hotel;
- 9.5.8.2.3 Kennel, commercial;
- 9.5.8.2.4 Multi-family dwelling;
- 9.5.8.2.5 Pay-to-Park Outdoor Parking Facility;
- 9.5.8.2.6 Research and development facility;
- 9.5.8.2.7 Restaurant with or without entertainment, 10,000 sq. ft. or more;
- 9.5.8.2.8 Retail sales and services establishment, 10,000 sq. ft. or more.

**9.5.8.3 Additional Uses Permitted by FMUOD Special Permit in FMUOD2:**

- 9.5.8.3.1 Fast order food establishment, provided such establishment is within an office or other non-retail building and is accessed through that building's lobby, atrium or interior corridor, and provided such establishment does not have a direct entrance from the exterior of the building or a drive-thru;
- 9.5.8.3.2 Hotel.
- 9.5.8.3.3 Research and development facility;

**9.5.8.4 Uses Permitted by FMUOD Special Permit in FMUOD3:**

- 9.5.8.4.1 Assisted living residence;
- 9.5.8.4.2 Fast order food establishment, provided such establishment is within an office or other non-retail building and is accessed through that building's lobby, atrium or interior corridor, and provided such establishment does not have a direct entrance from the exterior of the building or a drive-thru;
- 9.5.8.4.3 Multi-family dwelling.
- 9.5.8.4.4 Research and development facility;

**9.5.8.5 Additional Uses Permitted by FMUOD Special Permit in FMUOD4:**

- 9.5.8.5.1 Fast order food establishment, provided such establishment is within an office or other non-retail building and is accessed through that building's lobby, atrium or interior corridor, and provided such establishment does not have a direct entrance from the exterior of the building or a drive-thru;
- 9.5.8.5.2 Research and development facility;

**9.5.8.6 Additional Uses Permitted by FMUOD Special Permit in FMUOD5:**

- 9.5.8.6.1 Fast order food establishment, provided such establishment is within an office or other non-retail building and is accessed through that building's lobby, atrium or interior corridor, and provided such establishment does not have a direct entrance from the exterior of the building or a drive-thru;
- 9.5.8.6.2 Research and development facility;

**9.5.8.7 Accessory Uses Permitted by FMUOD Special Permit in all FMUOD districts:** Any use accessory to a use permitted by FMUOD Special Permit may be permitted pursuant to that same permit, irrespective of whether such use is located on the same lot as the principal use, provided that the principal use to which such use is accessory shall be clearly identified, and further provided that such accessory use shall be specifically reviewed and approved by the Planning Board in the FMUOD Special Permit.

**9.5.9 Alternative Dimensions.** The alternative dimensions set forth in the table below may be used for a project developed under a FMUOD Special Permit rather than the requirements provided elsewhere in this Bylaw. There shall be no minimum lot frontage, lot width, or setback requirements, and no maximum impervious surface or lot coverage requirements for a project developed under a FMUOD Special Permit. Rather, specific project dimensions shall be determined by the Planning Board. In all cases, there shall be sufficient separation between any two structures to allow emergency vehicle access.

		<u>FMUOD</u>						
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		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>
9.5.9.1	Minimum Project Area	30 acres	5 acres	10 acres	5 acres	5 acres	1 acre	1 acre
9.5.9.2	Minimum Lot Area	15,000 sq. f.t.	15,000 sq. f.t.	15,000 sq. f.t.	15,000 sq. f.t.	15,000 sq. f.t.	4,000 sq. f.t.	4,000 sq. f.t.
9.5.9.3	Maximum Building Height	70 feet <sup>1</sup>	80 feet	45 feet	45 feet	45 feet	36 feet	36 feet
9.5.9.4	Maximum Floor Area Ratio, not including area of parking structure	1.0 <sup>2</sup>	1.0	1.0	1.0	1.0	1.0	1.0
9.5.9.5	Minimum Residential District Buffer required under Section 6.3.2 (feet)	100	20	50	50	50	20 feet	20 feet
9.5.9.6	Minimum Public Amenity Areas or other public amenities required under Section 9.5.14.2.4.3	10%	other public amenity	10%	other public amenity	other public amenity	other public amenity	other public amenity

<sup>1</sup> Where a lot in FMUOD 1 is within two thousand five hundred (2,500) feet of the MBTA Train Station parcel (shown as Lot 1 on Assessor's Plat 33 ), and east of University Avenue, the Planning Board may allow an increased maximum building height of no more than 120 feet. In no case shall the height of any building exceed one hundred seventy-eight and one-half (178.5) feet above sea level.

<sup>2</sup> Where a lot in FMUOD 1 is within two thousand five hundred (2,500) feet of the MBTA Train Station parcel (shown as Lot 1 on Assessor's Plat 33), and east of University Avenue, the Planning Board may allow an increased maximum floor area ratio of no more than 1.2.

**9.5.10 Alternative Parking Arrangements.** The alternative parking arrangements set forth in Sections 9.5.10.1 through 9.6.10.2 may be used for a project in the FMUOD rather than the requirements applicable to the underlying district as provided elsewhere in this Bylaw.

**9.5.10.1 Parking Space Requirements.** Developments proposed under this Section may provide fewer parking spaces than otherwise required under Section 6.1.2, Table of Parking Requirements, where in the determination of the Planning Board, proposed parking spaces are found to be sufficient to meet the needs of the development. In making such determination, the Planning Board may consider complementary uses and activities having different peak demands, transportation demand management (TDM) measures, and such other means as may be applicable.

- 9.5.10.2 **Joint Off-street Parking.** Joint off-street parking arrangements may be permitted when determined by the Planning Board to be appropriate.
- 9.5.11 **Alternative Sign Requirements.** The alternative sign requirements set forth in Sections 9.5.11.1 through 9.6.11.10 may be used for a project in the FMUOD rather than the requirements applicable to the underlying district as provided elsewhere in this Bylaw.
- 9.5.11.1 **Definitions.** For the purposes of these alternate sign requirements, the following terms shall be defined as indicated below:
- 9.5.11.1.1 **Awning Sign.** A sign consisting of letters or graphics painted on, incorporated into, or affixed to any fixed or retractable device, of any material, which extends over or otherwise covers a sidewalk, courtyard, walkway, eating area, driveway or similar area or space.
- 9.5.11.1.2 **Development Identification Sign.** A sign or group of signs clustered together as a single compositional unit which identifies a development, and may also identify individual business establishments within that development.
- 9.5.11.1.3 **Directional Sign.** A sign providing pedestrian and/or vehicular traffic instruction, and/or restrictions on the use of parking or travel areas. “No Parking”, “One Way”, “No Outlet”, and “Do Not Enter” are examples of directional signs.
- 9.5.11.1.4 **Directory Sign** A listing and/or graphic representation of individual business establishments and other uses within a development or portion of a development.
- 9.5.11.1.5 **Projecting Sign.** A sign consisting of letters or graphics which is attached to or suspended from a building or structure such that any part of said sign extends more than six (6) inches from the wall surface of that building or structure.
- 9.5.11.1.6 **Temporary Construction Sign.** A sign at a site currently under construction which identifies the name of the development, and may include the names and addresses of the contractor, architect, landscape architect, and project engineer, and other pertinent information.
- 9.5.11.1.7 **Wall Sign.** A sign consisting of letters or graphics painted on, incorporated into, or affixed parallel to the wall of a

building or structure and which extends not more than six (6) inches from the wall surface of that building or structure.

9.5.11.1.8 **Way Finding Sign.** A sign providing instructions for circulation throughout a development, including direction to individual business establishments and parking areas related to said business establishments. “Retail Center Parking”, “Shuttle Bus Stop Ahead”, “Exit to Providence Highway”, “Additional Parking in Rear” are examples of way finding signs.

9.5.11.1.9 **Window Sign.** A sign consisting of letters or graphics painted on, incorporated into, or affixed to either side of the glass surface of a window or door, or any interior sign designed to be visible from the exterior of a building or structure.

9.5.11.2 **Development Identification Sign.** Where appropriate, a project developed under a FMUOD Special Permit shall be allowed a development identification sign at any primary entrance to the project, as determined by the Planning Board. Such development identification sign may include the name and/or logo of the development project, as well as the names and/or logos of any anchor establishments within the development, as determined by the Planning Board. Development identification signs may have two (2) faces, each of which shall not exceed one hundred and sixty (160) square feet in area. Development identification signs shall not exceed twenty (20) feet in height. Logos and/or graphic representations shall be counted toward the maximum permitted sign area. Development identification signs shall include appropriate landscaping as determined by the Planning Board.

9.5.11.3 **Individual Business Identification Signs.** Individual business identification signs shall be permitted as follows:

9.5.11.3.1 **Wall or Awning Signs.** Any combination of wall signs and awning signs shall be permitted such that the aggregate of all such signs associated with an individual business establishment shall not exceed two (2) square feet of signage for each one (1) linear feet of facade associated with said establishment, up to a maximum of two hundred (200) square feet of wall and/or awning signage per business establishment. Logos and/or graphic representations shall be counted toward the maximum permitted sign area. In no case shall any individual letter exceed five (5) feet in height, nor shall any logo or graphic

representation exceed ten (10) feet in height. Awning signs shall have at least 8 feet clearance above the pedestrian grade and shall be setback at least 4 feet from the adjacent curb. No awning sign shall extend over any public way, including a sidewalk, without further approval by the Board of Selectmen. Wall signs and/or awning signs for establishments having no direct association with an exterior facade may be permitted at the sole discretion of the Planning Board.

9.5.11.3.2 **Projecting Signs.** One projecting sign may be permitted for any individual business establishment. A projecting sign shall have two (2) legible faces, each of which shall not exceed eight (8) square feet in area. Logos and/or graphic representations shall be counted toward the maximum permitted sign area. Projecting signs must have at least 8 feet of clearance above the pedestrian grade, and shall not project more than 4 feet from a building facade. No such projecting sign shall extend over any public way, including a sidewalk, without further approval by the Board of Selectmen. Projecting signs for establishments having no direct association with an exterior facade may be permitted at the sole discretion of the Planning Board.

9.5.11.3.3 **Window Signs.** Window signs shall be permitted such that the aggregate of all such signs associated with an individual business establishment shall not exceed a total of one (1) square foot of signage for each one (1) linear foot of facade associated with said establishment, up to a maximum of fifty (50) square feet of window signage per business establishment. Logos and/or graphic representations shall be counted toward the maximum permitted sign area. Window signs for establishments having no direct association with an exterior facade may be permitted at the sole discretion of the Planning Board.

9.5.11.4 **Directional Signs.** Directional signs shall be allowed throughout a development. The number of such signs, and the size of each sign, shall be the minimum necessary to ensure traffic safety. Directional signs shall not exceed two (2) square feet in area and shall have a maximum height of eight (8) feet above ground. Directional signs may be post-mounted, ground-mounted, or mounted on a building or structure, and shall provide adequate clearance for vehicular and/or pedestrian traffic.

9.5.11.5 **Way Finding Signs.** Where determined by the Planning Board to be appropriate in light of the size and scale of a project, way finding signs shall be

allowed throughout a development, and may be allowed at off-premise locations at the sole discretion of the Planning Board. The number of such signs, and the size of each sign, shall be the minimum necessary to ensure traffic safety. Way finding signs shall be post-mounted, ground-mounted, or mounted on a building or structure, and shall not exceed thirty-two (32) square feet in area and shall have a maximum height of eight (8) feet above ground. All way finding signs located throughout a development shall be consistent in material, color and lettering style. Way finding signs shall not contain individual business identification logos. Way finding signs may include electronically changed lettering as appropriate to provide directions and/or indicate availability of public parking. Such changeable signs must be static displays that do not flash, or exhibit changes in lighting levels, or offer multiple messages on a cyclical basis.

- 9.5.11.6 **Directory Sign** One or more directory signs may be permitted at the sole discretion of the Planning Board. Directory signs shall not exceed thirty-five (35) square feet in area and shall have a maximum height of seven (7) feet above ground.
- 9.5.11.7 **Temporary Construction Signs.** Temporary construction signs shall be permitted at any primary entrance to the project, and at such other appropriate locations as determined by the Planning Board. Temporary construction signs shall not exceed twenty-four (24) square feet in area and shall have a maximum height of six (6) feet above ground. Temporary construction signs shall be removed within thirty (30) days of the completion of construction.
- 9.5.11.11 **Prohibited Signs.** Billboards, roof signs, internally illuminated signs, flashing signs, variable lit signs, variable message signs (except as permitted in Section 9.5.11.5), flags, balloons, streamers, pennants, banners, strings of lights, ribbons, spinners and other similar devices, shall be prohibited in any project authorized under a FMUOD Special Permit. No sign which indicates the time, date and temperature shall be considered a flashing sign provided such signs meet all other provisions of this Section.
- 9.5.11.12 **Sign Materials.** Signs shall be manufactured using industry standard materials that are consistent with a high quality project. Structurally necessary brackets, posts or other supports may be visible if compatible with the appearance of the sign they support. Conduit, tubing, raceways, conductors, transformers and similar equipment shall be concealed from view, to the greatest practical extent.
- 9.5.11.13 **Sign Illumination.** Indirect illumination of a sign by properly shielded light fixtures, or by edge-lighting, or by halo lighting, or internal

illumination of only the lettering, wording or insignia portions of a sign, shall be permitted. In all cases illumination shall only be permitted by steady white light. Notwithstanding the above, awning signs shall not be internally illuminated.

9.5.12 **Waivers.** The Planning Board may grant waivers from some or all of the requirements set forth in Sections 9.5.9 through 9.5.11, and/or some or all of the dimensional, parking and sign requirements contained elsewhere in this bylaw if, in its determination, such waivers will result in a substantially improved project, and if, in its determination, such project will otherwise meet the performance and design standards set forth in this Section, and if, in its determination, such waiver will pose no substantial detriment to any adjacent property or proximate neighborhood, and will not nullify or substantially derogate from the intent or purpose of this Section.

9.5.13 **Percentage of Residential Units.** Pre-existing and new housing units, where permitted, shall occupy no more than fifty percent (50%) of the total gross floor area of any project authorized under a FMUOD Special Permit. The maximum allowable number and type of residential units shall be determined by the Board, in its sole discretion, following the Board's acceptance of a fiscal impact report demonstrating that said residential units will have no negative fiscal impact on the town. The Planning Board shall have the authority to approve, in its sole discretion, phased construction of the residential components of a project, independent of the phased construction of the non-residential components of the same project, as long as the total gross floor area of the residential components of all phases does not exceed fifty percent (50%) of the total gross floor area of the project authorized under the FMUOD Special Permit, and as long as no portion of the total land area approved for non-residential components is developed for residential use.

9.5.14 **Housing Affordability Requirements.** In any project authorized under a FMUOD Special Permit which will result in the development of more than ten (10) new residential units, a minimum of fifteen percent (15%) of total housing units shall be "affordable" as defined in the Rules and Regulations, unless the Planning Board determines a proposed alternative to be at least equivalent in serving the Town's housing needs. The affordable dwelling units authorized under the provisions of this Bylaw shall be Local Initiative Program (LIP) dwelling units in compliance with the requirements for the same as specified by the Department of Community Affairs, Massachusetts Department of Housing and Community Development (DHCD), or successor, or affordable units developed under additional programs adopted by the Commonwealth of Massachusetts or its agencies. All said units shall count toward Westwood's requirements under Massachusetts General Law Chapter 40B, Sections 20-23, as amended.

9.5.15 **Performance and Design Standards.** No FMUOD Special Permit shall be granted unless the Planning Board finds that the project meets the following performance and design standards:

9.5.15.1 **Performance Standards.**

9.5.15.1.1 **Environmental Impact Standards.** All FMUOD projects shall conform to all applicable Environmental Impact Standards, including but not limited to the following areas of potential impact:

9.5.15.1.1.1 **Air Quality.** Any use or activity which requires an air quality permit from the Massachusetts Department of Environmental Protection (MA- DEP) or successor agencies, under 310 CMR 6.00 to 8.00, as amended from time to time, shall require the submission of documentation that such air quality permit has been applied for or obtained.

9.5.15.1.1.2 **Noise.**

- a. Any use or activity on a property shall not produce sound pressure levels that exceed an existing background sound pressure level in excess of:
  - i. 10dBA at any perimeter boundary of the development tract that abuts a residential district or sensitive receptors such as nursing and rehabilitation homes, hospitals, day care centers, schools or other facilities so deemed by the Planning Board.
  - ii. 15dBa at any outer perimeter boundary of the development tract that abuts any predominantly non-residential district.
  - iii. 15dBa anywhere within the development tract.

Background or existing sound pressure level is defined as the level on the A-weighted sound pressure scale that is exceeded 90% of the time in the quietest 60 minute time interval that occurs during any hours of operation.

- b. Impulsive or intermittent sounds shall not exceed the sound pressure level limits in 9.6.14.1.1.2, a. i., ii. & iii. above, for a duration not to exceed a cumulative total of one minute within any single hour.
- c. No user or activity shall produce a sound pressure level that is in excess of:
  - i. 50dBA nighttime and 60dBA daytime at any perimeter boundary of the development tract that abuts a residential district or sensitive receptors such as nursing and rehabilitation homes, hospitals, day care centers, schools or other facilities so deemed by the Planning Board.
  - ii. 60dBA nighttime and 65dBA daytime at any perimeter boundary of the development tract that abuts any predominantly non-residential district.
  - iii. 65dBA anywhere within the development tract.
- d. “Pure tone” conditions that are typically produced by facilities such as heating, ventilation and air conditioning systems, outdoor transformers or energy generation systems shall be designed so as to generally comply with widely-applied standards for pure tone levels from the American Noise Standards Institute/American Standards Association. ANSI/ASA S3.21-2004 (R2009) as amended from time to time.

9.5.15.1.1.3 **Vibration.** Any use or activity shall not produce vibration, measured at any receptor internal or external to the permitted site, that exceeds the combined-axis, one-third octave band vibration accelerations of the

American National Standards Institute, Section 3.29 or currently applicable standards regulating human vibration exposure, or associated sound levels in the 31.5 Hz octave band or lower, in which a sound pressure level of 65 dB is exceeded. Exceptions shall include public gatherings and special events, emergency and public safety vehicle operations, use of outdoor maintenance equipment, temporary construction of buildings or infrastructure, or similar activity conducted for public benefit.

9.5.15.1.1.4 **Electrical Disturbances.** Any use or activity shall not produce electromagnetic interference on a repeat or prolonged basis, in any electrical or electronic device used by receptors internal or external to the permitted site.

9.5.15.1.1.5 **Cultural, Historical and Archeological Resources.** Where there is evidence on a development tract of a resource that is on or eligible for inclusion on the Massachusetts Register of Historic Places, or where the tract overlies a designated Historic District under state or federal auspices, the application shall demonstrate that the design makes every reasonable effort to avoid or minimize damage or impairment to the cultural, historic or archaeological resources. Any unavoidable damage or impairment shall be mitigated to the greatest extent practicable.

9.5.15.1.1.6 **Natural Resources and Habitat.** Where there is evidence on a development tract of sensitive natural resources, whether in the form of vegetation communities, wildlife habitat or hydrological systems, especially as identified in the Massachusetts Natural Heritage Program, the application shall demonstrate that the design makes every reasonable effort to avoid or minimize damage or impairment to those resources.

Any unavoidable damage or impairment shall be mitigated to the greatest extent practicable.

9.5.15.1.1.7 **Construction Solid Waste Management.** An application shall include documentation of satisfactory arrangements for the disposal of tree stumps and debris resulting from construction. An application shall also include documentation of satisfactory permanent arrangements for on-site storage of refuse pending its removal. Such on-site storage shall be screened from public view, secure from birds or other animals, and located so as to present minimal hazard in the event of fire and minimal threat to water quality in the event of container failure.

9.5.15.1.1.8 **Visual Mitigation and Screening of Infrastructural Elements.** Exposed storage areas, exposed machinery or electric installations, common service areas, truck loading areas, utility structures, trash/recycling areas and other elements of the infrastructure shall be subject to reasonable visual mitigation requirements, including but not limited to, modified site location, screen plantings or buffer strips, combinations of visually impermeable fencing and plantings, or other screening methods determined by the Planning Board to be necessary to assure an attractive visual environment.

9.5.15.1.2 **Water Quality.** If a site authorized for development pursuant to a FMUOD Special Permit is located within a Water Resources Protection Overlay District established under Section 9.3 of this Bylaw, and any use or activity subject to said special permit requires a special permit under Section 9.3.5 therein, the Planning Board shall be the Special Permit Granting Authority for the Water Resources Protection Special Permit, and that required special permit shall be consolidated into the FMUOD Special Permit.

9.5.15.1.3 **Compatibility of Uses and Activities.** Any development authorized under a FMUOD Special Permit must contain a

compatible mix of uses sufficiently advantageous to the Town. Developers are strongly encouraged to include a beneficial mix of office and non-office uses. Compatibility between uses shall take into account peak hours of use and parking for individual components.

9.5.15.2 **Design Standards.**

9.5.15.2.1 **Building Design.**

9.5.15.2.1.1 **Context.** Structures shall relate harmoniously to the existing landscape and to the scale and architecture of existing buildings that have a functional and/or visual relationship to the proposed structures. The Planning Board may require a modification in massing or layout so as to reduce the effect of shadows on an abutting property, public open space or street, or to otherwise lessen any negative visual impacts of a proposed structure.

9.5.15.2.1.2 **Architectural Design.** Structures shall be designed to create a visually pleasing, unifying and compatible image for the development as a whole. Any combination of architectural design elements may be employed to meet this standard, including building color, texture, materials, scale, height, setbacks, roof and cornice lines, signs, and elements such as door and window size and location, and door and window detailing. Where the nature of the following design features is considered by the Planning Board to be significant to the preservation or enhancement of the desirable visual quality and property values of a particular area, any new structure or alteration shall be harmoniously related to nearby pre-existing structures and the street facade in terms of color, texture, materials, scale, height, setbacks, roof and cornice lines, signs and design elements such as door and window size and location and door and window detailing, including materials

for sills, lintels, frames and thresholds and any other major design elements.

9.5.15.2.1.3 **Visual Relief.** Structures shall include one or more features which create visual relief, such as varied roof lines, articulated building facades, including a higher level of treatment on one or more primary facades as designated by the Planning Board; elements of transparency or windows within a facade to provide architectural contrast and interior views; breaking up of continuous building surface by providing space between structures and/or jogs in the building line or plane; signs, vertical free-standing elements or other elements. Complementary use of public pedestrian spaces may also be considered as a contributory element.

9.5.15.2.1.4 **Energy Efficiency.** Insofar as practicable, projects shall incorporate energy-efficient technology in building materials, lighting, heating, ventilating and air conditioning systems, as well as use of renewable energy resources, and shall adhere to the principles of energy-conscious design with regard to building orientation, shading, landscaping and other elements. Efforts shall be made to harmonize energy-related components with the character of a building and its surroundings and to prevent adverse effects on the energy consumption of neighboring structures and on the environment.

9.5.15.2.2 **Street Design.** Streets, interior drives and related infrastructure within the proposed development shall comply with the applicable standards contained in the Planning Board's Rules and Regulations Governing the Subdivision of Land, and shall be designed with sufficient capacity to accommodate anticipated trip generation, to provide for adequate access by public safety vehicles and maintenance equipment, and to safely maintain pedestrian and bicycle circulation. The Planning Board may waive any such provisions to permit an alternate design standard, if in its determination, doing so enhances the project, is consistent with the purposes of this Section, and does not

negatively impact access, safety, or environmental protection.

9.5.15.2.3

**Circulation, Traffic Impact & Public Street Access.**

Development authorized under a FMUOD Special Permit shall provide for a comprehensive, interconnected, safe and efficient system of circulation that adequately incorporates all feasible transportation modes, vehicular and non-vehicular. This system shall include the layout of roadways, interior drives and parking facilities, and shall include separated pedestrian and bicycle circulation, wherever feasible. Review of site circulation shall include: entrances and approaches, ramps, walkways, interior drives, and parking access. Traffic planning shall consider the surrounding system of public streets, the existing and future vehicular trip volume, the number and location of proposed access points to public streets, and existing and proposed traffic controls and management measures. The impact of volume increases on adjacent residential districts and business areas shall be mitigated to the satisfaction of the Planning Board. Each facility, to the extent feasible, shall accommodate alternative means of transportation, including bicycle routes and pedestrian ways separated by grade or physical division from vehicular circulation; internal shuttle bus routes where warranted; accommodation of vehicles for regional transit connections; and convenient and safe connections to sidewalks and streets in adjacent business areas and neighborhoods, in order to encourage non-vehicular travel. Minor improvements designed to facilitate alternative transportation, such as shuttle bus turn-outs at individual buildings, bicycle racks, and directional signage shall be provided to the satisfaction of the Planning Board.

9.5.15.2.4

**Open Space and Common Landscaped Areas.**

9.5.15.2.4.1

**Attractive Utilization of Existing Open Space.**

Existing natural landscapes, including trees and vegetation, shall be preserved in their natural state ~~to~~ in so far as practicable. Such open space may be attractively utilized to meet minimum open space requirements, buffering and screening needs, or landscaping requirements. Existing surface waters shall be similarly used as a site amenity, subject to protection under the

MA Wetlands Protection Act. All open space which cannot be preserved in its natural state shall be replanted as far as practicable with new plantings that establish similar effects on the landscape.

9.5.15.2.4.2 **Site Disturbance.** Soil removal shall be minimized and major grade changes avoided, in so far as practicable. Grade changes and elevations shall be consistent with adjacent developed areas in so far as practicable.

9.5.15.2.4.3 **Public Amenity Areas.** Development authorized under a FMUOD Special Permit shall include one or more areas, exclusive of wetlands, to which the public has at least visual access, and preferably physical access, including landscaped areas and features such as pedestrian walks, landscaped pedestrian spaces and plazas, and incidental support structures, but excluding vehicular travelways, driveways and parking surfaces. Public amenity areas shall be designed to maximize visibility for persons passing the site or viewing it from nearby properties. The Planning Board may accept other public amenities which, in its determination, are appropriate for the development in substitution of such public amenity area.

9.5.15.2.5 **Stormwater Management.**

9.5.15.2.5.1 **General.** Stormwater management systems serving the proposed development shall be designed in conformance with the Massachusetts Department of Environmental Protection Stormwater Standards, as amended from time to time, to efficiently collect runoff from all impervious surfaces, roofs and canopies in a manner that avoids adverse drainage impact on any neighboring property.

Where possible, the review of stormwater plans and associated materials by the

Planning Board shall be coordinated with any Conservation Commission review of the same.

9.5.15.2.5.2 **Erosion and Sedimentation Controls.** A plan for controls that are appropriate and specific to the site and the project, and which includes both pre-construction and post-development measures, shall be employed to mitigate erosion and sedimentation impacts.

9.5.15.2.5.3 **Alternative Design.** Where space, topography, soils and the character of the proposed development make it practical, low impact designs (LID) that capture and recharge runoff to the groundwater may be used as an alternative to closed systems. Examples of LID practices include, but are not limited to vegetated swales, filtration strips, rain gardens or other bio-retention cells, disconnection of impervious surface areas, reduction of impervious surface, retention of existing open space, vegetated rooftops, and other methods.

9.5.15.2.6 **Off-Street Parking.**

9.5.15.2.6.1 **Parking Types and Design.** Any combination of surface, under-building and structured parking may be included in development authorized under a FMUOD Special Permit, provided that the parking plan is found by the Planning Board to be adequate to meet the purposes of this section. Parking may be provided at ground level, but with preference given to sub-grade or structured parking. In all cases, parking areas shall be designed to minimize paved surface area. In developments or portions of developments where structures are at or close to the street line in an urban or village layout, parking shall generally be located to the sides, rear, or below said structures.

- 9.5.15.2.6.2 **Surface Lots.** Surface parking lots shall generally be provided in multiple, distinctly separated lots, screened and landscaped in accordance with Section 6.1.17. Separation of parking lots may occur by means of intervening open space, landscaped areas, buildings or other structures, streets or physical elements clearly delineating a division between two or more parking lots. The number of entrances and exits shall be the minimum necessary to ensure traffic safety.
- 9.5.15.2.6.3 **Parking Structures.** Parking structures may be free-standing or may be integrated into the structural design of a building containing a principal use authorized by the FMUOD Special Permit. Parking structures and decks shall contain architectural facing or other articulation or visual relief on all primary or highly visible facades, as determined by the Planning Board.
- 9.5.15.2.6.4 **Pedestrian Facilities.** Sidewalks or multi-purpose pedestrian ways and facilities shall connect each parking lot or facility to buildings, public spaces or other destination points within the development.
- 9.5.15.2.6.5 **Loading Areas.** Adequate loading areas shall be provided for all businesses and other applicable uses containing more than ten thousand (10,000) square feet of net floor area. When exclusive loading areas are provided, such areas shall be designed so as to have unobstructed access and shall be configured so that no trucks or other vehicles are parked on a public street or way while loading or unloading, or while waiting to load or unload.

9.5.15.2.7 **Exterior Lighting.**

9.5.15.2.7.1 **General.** Exterior lighting specifications and requirements shall be in compliance with Section 6.4.

9.5.15.2.7.2 **Design Standards.** Lighting shall be designed so as to avoid light trespass and glare on adjacent neighborhoods, business areas and streets. Where appropriate, exterior lighting fixtures shall be of the full-cutoff type, and hoods and shields shall be incorporated as needed to prevent light trespass and glare. Lighting in minimally used areas shall be reduced after business hours, particularly where access is limited by gated entry.

9.5.15.2.8 **Public Utilities, Water and Sewer Systems.** All developments authorized under a FMUOD Special Permit, and all principal buildings within them, shall be connected to public water supply. Sewage collection shall be by the public sewage collection system or by an approved local area or on-site treatment facility. Access easements to any utility connections shall be granted to the Town to assure maintenance and emergency repair.

9.5.15.2.9 **Communications Facilities.** All towers, antennas and poles permitted under a consolidated FMUOD Special Permit with consolidated WCOD Special Permit shall be sited, designed and sized to have minimal visual impact on nearby properties.

9.5.16 **Procedures.** The following procedures shall apply in the submission, review and consideration of any application for a FMUOD Special Permit.

9.5.16.1 **Pre-application Conference.** Applicants may elect to submit, prior to filing a special permit application, a preliminary application and sketch plan as the basis for preliminary discussion with the Planning Board, following which the Board shall provide non-binding guidance in regard to the development proposal. The Board may consult with other regulatory departments and committees in the formulation of its response. The sketch plan shall meet the submission requirements specified in the Rules and Regulations.

9.5.16.2 **Application and Submittal Requirements.** An application for a FMUOD Special Permit shall be filed with the Town Clerk, and copies shall be submitted to the Planning Board in the manner and quantity

specified in the Rules and Regulations. The application shall include all items and materials required pursuant to said rules and regulations, except to the extent waived by the Planning Board.

- 9.5.16.3 **Planning Board Review.** The Planning Board’s review and consideration of an application for FMUOD Special Permit shall be in conformance with the Rules and Regulations.
- 9.5.16.4 **Public Hearing Required.** The Planning Board shall hold a public hearing within sixty (60) days of the filing date of said application and shall render a decision within one hundred and eighty (180) days from the date of the opening of the public hearing. Failure to take final action within the one hundred and eighty (180)-day period shall be deemed to be a constructive approval of the special permit, unless the applicant and the Planning Board execute a written extension agreement.
- 9.5.16.5 **Reimbursement for Consultants.** If the Planning Board determines the need to hire one or more consultants, engineers or attorneys in connection with the review and evaluation of the an application for a FMUOD Special Permit, it may do so, and all reasonable costs associated with the hiring of said consultant or consultants shall be reimbursed by the applicant, in accordance with Massachusetts General Law Chapter 53G, and in the manner specified in the Rules and Regulations. Each application pursuant to this Section shall contain an agreement by the applicant to that effect.
- 9.5.16.6 **Special Permit Decision.** A FMUOD Special Permit shall be granted by the Planning Board only upon its written determination that the beneficial effects of the project will outweigh any adverse impacts on the Town or the neighborhood, in view of the particular characteristics of the site, and of the project in relation to that site, and that the uses allowed are in harmony with the general purpose and intent of this Section.
- 9.5.16.7 **Conditions.** A FMUOD Special Permit may be granted with such reasonable conditions, safeguards or limitations on design, time or use, including performance guarantees, as the Planning Board may deem necessary to serve the purposes of this Section.
- 9.5.16.8 **Performance Guarantee.** The Planning Board may require that the applicant provide a performance guarantee, in the form and amount required pursuant to the Rules and Regulations.
- 9.5.16.9 **Impact Mitigations.** Since approval of a FMUOD Special Permit authorizes substantial increases in permissible densities of population and employment, a condition of the FMUOD Special Permit shall be that the project shall mitigate some or all of the impacts of those density increases on water and sewer utilities, off-site traffic circulation, facilities, and

schools through grants and incentives obtained from other agencies, or from contributions at the expense of the applicant.

- 9.5.16.10 **Non-Regulatory Agreements.** Development under a FMUOD Special Permit, in addition to compliance with provisions of this Section and other regulatory provisions, may involve memoranda of understanding or non-regulatory agreements reached between the Applicants and the Town, and possibly other entities. Said non-regulatory agreements shall be incorporated by reference and made part of a FMUOD Special Permit.
- 9.5.16.11 **Fees.** The Planning Board may adopt reasonable administrative fees and technical review fees for applications for FMUOD Special Permits. Such fees shall be more particularly described in the Rules and Regulations.
- 9.5.16.12 **Special Permit Modification.** Once a FMUOD Special Permit has been granted by the Planning Board, any subsequent change which the Building Commissioner determines will substantially affect or alter the visual appearance of the project, or of any building facade or roof within the project, or will substantially affect or alter traffic flow, or will constitute a significant modification to the site plan, will be considered a major modification, and will require the submission of an application for amendment of the FMUOD Special Permit. Said application for amendment shall be considered in accordance with the same standards and procedures set forth in this Section for the approval of the original application. Any modification, which the Building Commissioner determines not to rise to the level of a major modification, shall be considered a minor modification, and may be authorized by a majority vote of the Planning Board. However, if the Planning Board in its review determines such modification to constitute a major modification, it shall require the submission of an application for amendment of the FMUOD Special Permit.
- 9.5.16.13 **Appeals.** Appeals to a court of competent jurisdiction may be taken by a person aggrieved by reason of their inability to obtain a permit under this Section. Such appeals shall be filed in court within twenty (20) days after the decision has been filed with the Town Clerk. Notice of such action with a copy of the complaint shall be filed with the Town Clerk within said twenty (20) days.
- 9.5.16.14 **Lapse.** A FMUOD Special Permit shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within two (2) years following the grant of the FMUOD Special Permit. The Planning Board may extend such approval, for good cause, upon the written request of the applicant pursuant to procedures established under the Rules and Regulations.

9.5.17 **Superseding Provisions.** In the event of any conflict between the provisions of this Section and other sections of the Zoning Bylaw, the provisions of this Section shall govern and control. Following the completion of construction of a project developed pursuant to a FMUOD Special Permit granted under this Section, all requirements applicable to underlying zoning shall be superseded by the terms and conditions of the FMUOD Special Permit.

## 9.6 UPPER STORY RESIDENTIAL OVERLAY DISTRICT (USROD)

9.6.1 **Purpose.** The purpose of the Upper Story Residential Overlay District (USROD) is as follows:

9.6.1.1 to permit the most beneficial redevelopment and reuse of municipal buildings which are no longer required for municipal use;

9.6.1.2 to promote appropriate solutions to the redevelopment of existing buildings in the High Street area.

9.6.2 **Location.** The USROD is herein established as an overlay district. The USROD shall include all properties fronting on High Street, between Barlow Lane and Gay Street, which were improved with one or more buildings and were either municipally-owned as of January 1, 2011 or are municipally-owned at the time of application.

9.6.3 **Special Permit Granting Authority.** The Planning Board shall be the Special Permit Granting Authority for all USROD Special Permits.

9.6.4 **Special Permit Required.** Development under this Section requires a USROD Special Permit issued by the Planning Board in compliance with the provisions of this Section. Any special permits which may otherwise be required pursuant to this Bylaw shall be consolidated into the USROD Special Permit. Any Environmental Impact and Design Review (EIDR) approval otherwise required pursuant to Section 7.3 of this Bylaw shall be consolidated into a mandatory site plan approval component of the USROD Special Permit, and no separate EIDR Approval shall be required.

9.6.5 **Permitted Uses.** Except as otherwise provided herein and subject to the provisions of this Bylaw applicable to the underlying district, land and buildings in the USROD may be used for any purpose permitted as of right or by special permit in the underlying district. In addition, one or more upper story dwelling units may be permitted to the extent authorized under a USROD Special Permit.

9.6.6 **Regulations.** Unless the Planning Board adopts specific rules and regulations for the administration of this Section, the Planning Board's General Special Permit Granting Authority Rules and Regulations shall apply (henceforth referred to as the "Rules and Regulations").



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**E. Industrial Mixed Use Overlay (Bedford, MA)**

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## **15. INDUSTRIAL MIXED USE**

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### **15.1 General Purpose**

The Industrial Mixed Use special permit from the Planning Board is intended to foster desirable economic development for the community, by facilitating the development and redevelopment of sites that encompass combinations of land use that are different but compatible and economically complementary to one another. Projects may consist of multiple uses contained in a single building, or campus-type configurations involving more than one building on one parcel (or contiguous parcels in common ownership). In either case, the development is intended to improve site and community amenities, reduce environmental impacts and add value to property.

### **15.2 Authority and Applicability**

#### **15.2.1 Special Permit Granting Authority**

The Planning Board shall be the Special Permit Granting Authority for Industrial Mixed Use developments.

#### **15.2.2 District Applicability**

An Industrial Mixed use special permit shall be allowed in the following districts: Industrial Park A, Industrial B, Industrial C, and Commercial.

#### **15.2.3 Master Planning and Phasing Option**

Industrial Mixed Use development projects may be submitted at the applicant's discretion in a master planned permitting structure, wherein a general special permit is granted with the expectation that detailed phasing plans will be submitted for special permit review upon their readiness for construction.

### **15.3 Development Objectives & Plan Review Criteria for Industrial Mixed Use Projects**

The following are the Development Objectives to which all IMU special permit projects shall aspire, and the Review Criteria which the Planning Board shall apply in evaluating all IMU special permit applications:

#### **15.3.1 Development Objectives**

In proposing projects under the Industrial Mixed use special permit, applicants shall consider and strive to attain the following objectives, whether the submission is a new development or a redevelopment/retrofitting of an existing development, or any combination thereof:

Generate harmonious clusters of economic activity where the uses complement one another and in doing so help the community at large.

Facilitate combinations of uses that reflect the viable and emerging businesses of all types associated with the economy of the Boston metropolitan region and the Commonwealth of Massachusetts.

Invest capital to beautify properties and increase the physical and visual integration of uses and buildings.

#### **15.3.2 Plan Review Criteria for Industrial Mixed Use Projects**

Plans reviewed by the Planning Board under an IMU special permit shall be evaluated in terms of the

following criteria, wherever applicable, whether the submission is a new development or a redevelopment/retrofitting of an existing development, or any combination thereof, and subject to appropriate findings by the Planning Board:

The determination that the uses proposed are complementary to and compatible with one another economically and in terms of site usage, and that the mix of uses furthers the intent of this section and the zoning bylaw.

Where multiple buildings are involved, the extent to which improvements are included that will establish or enhance the distinct visual relationship of the buildings to one another, using elements such as: the physical siting of the buildings themselves; open space; common areas; landscaping; trails and walks; or other site amenities to define and reinforce that relationship.

The accommodation in site design of pedestrian walks and trails, bicycle travel and off-site connectivity to other trails, conservation areas and destinations.

The reduction or avoidance of large concentrations of at-grade parking lots in favor of smaller, multiple lots where possible, or alternatively, to break up large expanses of pre-existing parking with landscape and pedestrian features.

The use of viable shared parking arrangements, to minimize the amount of parking, impervious surface and stormwater runoff.

The incorporation of low impact development techniques to provide or supplement stormwater management.

The adequate addressing of all conventional site design issues, such as internal traffic circulation, public safety, provision of utilities and other aspects normally seen in all plans.

#### **15.4 Permitted Uses**

The following uses shall be allowed by special permit in Industrial Mixed Use developments, including a modification to Table I under the Commercial district column, to change the allowed status of industrial mixed uses from "No" (not permitted) to "SP" (allowed by special permit):

- Business and Professional Offices
  - General offices: corporate and multi-occupancy
- Light Manufacturing
  - Computer and related manufacturing or assembly
  - Electronics parts, circuitry and products, manufacturing or assembly
  - Medical device research, manufacturing or assembly
- Information Technology & Life Sciences
  - Information technology & data Storage
  - Software Development & Services

- Bio-pharmaceuticals research, development and manufacturing
- Industrial biotechnology or informatics
- Biological testing laboratories, excluding bio-safety level four (BL-4) as per Centers for Disease Control
- Earth sciences, environmental research, testing & development
- Health Care
  - Medical clinics, offices & services
- Institutional & Educational
  - Educational and training, for profit
  - Non-profit foundation or institutional use
  - Educational or child care facility, exempt under MA law
- Retail & Services
  - Retail and personal services stores with gross floor area not exceeding 10,000 square feet
  - Bank
- Restaurants, Hostelry & Recreation
  - Restaurants with sit-down table service, not of the fast order or drive-through type, but not excluding take-out service.
  - Hotel (Industrial Districts only)\*
  - Fitness businesses, any type, with gross floor area not exceeding 10,000 square feet
  - Recreation or cultural business with gross floor area not exceeding 5,000 square feet
- Other Uses
  - Other uses determined to be fully compatible with those in this section but not listed herein
  - Municipal facilities
- Accessory Uses
  - Free-standing parking structure
  - Private or public solar array

- Common utility, power and communication facilities with screening and planting appropriate to the site & abutting uses.

### **15.5 Mixed Use Minimum Criteria**

The following are the minimum thresholds for constituting an IMU development:

#### 15.5.1 Minimum Number of Uses

The proposed IMU development must have a minimum of two distinct uses as defined by the allowable uses in this section, whether contained in a single building or multiple buildings.

#### 15.5.2 Minimum Mixed Use Floor Area

No single use or like grouping of uses shall occupy more than 92% of the gross floor area of a single building or 94% of the total GFA of all buildings on the site.

### **15.6 Density**

The following are the maximum density entitlements for an IMU special permit. The Planning Board may limit any development project to less than these density entitlements for circumstances that are necessary to protect the public interest or other properties, or to further the aims of this section and the Zoning Bylaw:

#### 15.6.1 Maximum Floor Area Ratio (FAR)

The FAR for any IMU development shall not exceed .35.

#### 15.6.2 Increase in FAR

The FAR may be increased to .40 in cases where a Shared Parking Plan has been

submitted and has demonstrated to the satisfaction of the Board by means of a finding that it will reduce the parking supply to less than that required by section 7.4 of this Bylaw, as verified by the Code Enforcement Director. Said finding shall be based on a determination that due to any combination of factors among the participating businesses such as hours of operation or employee work shifts, peak customer demand, minimal parking needs on-site or other complementary circumstances among businesses, a reduction in the required parking supply for the project is justified.

**15.7 Dimensional and Performance Requirements**

The following standards shall apply to all development projects seeking an IMU special permit:

**15.7.1 Flexibility Criteria**

It is the intent of this section to allow for a high degree of flexibility in the design or retrofitting of projects seeking an IMU special permit, in terms of the dimensions provided for the proposed development. The Planning Board shall determine the adequacy of the proposed dimensions and may adjust proposed dimensions upward or downward in accordance with the following criteria:

Adequacy of setbacks, yards and parcel perimeter buffering to avoid negative impacts on abutting and nearby uses from buildings or parking associated with the IMU development

Aesthetic enhancement for the immediate vicinity and the wider area or district

Use of existing site amenities within setback areas, including vegetation,

landscaping, topographic characteristics, stone walls, surface water or other features.

**15.7.2 Dimensional minima and maxima for the full development parcel:**

Minimum Lot Area: One (1) acre

Minimum Frontage: As in existing zoning district, but may be reduced by the Planning Board within the IMU special permit discretionary authority.

Minimum Front Setback: As in existing zoning district, but may be reduced by the Board.

Minimum Side and Rear Yards: As in existing zoning district, but may be reduced by the Board.

Maximum Building Height As in existing zoning district.

Minimum Lot Landscaping 30%

Maximum Lot Coverage 35%

**15.8 Parking Requirements, Site Access, Transportation**

The following are the flexible parking provisions for an IMU development:

**15.8.1 Type of Facility**

Parking may be provided at ground level, at sub-grade within buildings or in attached or detached parking structures.

**15.8.2 Parking Site Location & Distribution**

Parking within the front setback of buildings shall be confined to spaces for vehicles involving: visitors: emergency services: handicapped access: drop-off and pick-up of people or goods: transit systems and preferred spaces for certified car and van

pool users operating through an organized trip reduction program.

All other parking shall be located at the rear or side of buildings.

Effort shall be made to distribute parking among multiple smaller lots rather than in one or more large expanses of parking, or, in the event of pre-existing large concentrations of parking, to provide visual and functional relief by means of landscaping, separation, pedestrian ways and other amenities.

#### 15.8.3 Parking Quantity

Total parking supplied on site shall be evaluated by the Planning Board for adequacy to serve the proposed mix of uses.

After the parking required by zoning and any existing parking spaces are verified by the Code Enforcement Director, the Board may deem parking supply excessive or inadequate and request revision of the parking plan, or it might deem the parking to be adequate.

In determining adequacy, the Board shall take into account whatever combination of pre-existing and newly proposed parking spaces constitutes an optimum quantity, and shall make a finding to that effect.

Electric vehicle charging stations may be located within any parking area.

Section 7.4.3 concerning the granting of relief from parking regulations by the Zoning Board of Appeals shall not apply.

#### 15.8.4 Shared Parking

Shared parking arrangements may be proposed to reduce the extent of parking lots and impervious surface and reduce stormwater runoff. A Shared Parking Plan shall be provided in these instances, documenting that the planned arrangements will reduce the parking supply to less than that required by section 7.4 of this Bylaw, as verified by the Code Enforcement Director. Said Plan shall substantiate that the targeted parking reduction is viable among building occupants due to any combination of factors such as hours of operation or employee work shifts, peak customer demand, minimal parking needs on-site or other complementary circumstances among the businesses. Significant changes to these circumstances or to the participating businesses may require a special permit minor modification before the Planning Board. Shared Parking Plans may be submitted for a minor special permit modification at any time after the development is operational, for the purpose of avoiding anticipated future parking demand that might exceed the capacity of the site.

#### 15.8.5 Reserve Parking

The Planning Board may consider for approval the placing of some of the on-site parking supply into future reserve status, where it remains unbuilt until needed, provided the Board finds that the immediate parking demand is satisfied by the constructed parking spaces. Construction of such parking areas, should it involve minimal adjustment to previously approved parking quantity or physical layout, shall be subject to a minor special permit amendment.

#### 15.8.6 Curb Cuts

The Planning Board shall determine that the number of curb cuts shown on the Plans to serve the site along any frontage, including frontage on more than one street, is adequate but not excessive, considering both pre-existing and newly proposed curb cuts. This determination shall be made in consultation with DPW Engineering and may include referral to the Selectmen sitting as Road Commissioners.

#### 15.8.7 Transportation Mitigation

##### A) Trip Reduction

In IMU development projects that it deems to be sufficiently large in number of employees and regular in terms of peak hour commuting patterns, the Planning Board may require as a condition of the special permit participation in a transportation management association, existing transit shuttle bus or other trip reduction program.

##### B) Traffic Mitigation

In IMU development projects where, after Department of Public Works or other engineering review, determines that the net traffic increase will be of sufficient impact to result in traffic congestion at site curb cuts and/or reduction of level of service at area intersections, the Planning Board may require as a condition of the special permit that improvements be made within the public right of way to mitigate traffic impacts. Such mitigations shall be subject to review and approval by the Selectmen acting as Road Commissioners. Performance guarantees to secure the proper construction of off-site traffic mitigations may be required by the Planning Board, in consultation with DPW Engineering. Alternatively, or in addition to, any physical improvements, other means of reducing traffic congestion may be required,

including but not limited to contributions to a relevant traffic study or an adjacent capital improvement project being carried out under other auspices.

#### 15.9 Application

The following are the requirements for submission of IMU special permit application materials. The Planning Board may waive the provision of select items if felt to be unnecessary for or inapplicable to the development project, or may do so by delegation to professional staff:

##### 15.9.1 Plan Submission: Format & Quantities

A) Plan sets and other relevant graphic materials: the applicant shall submit the following: a digital PDF file of the full plan set and other graphic materials; ten (10) paper copies of the full plan set and other graphic materials at the 11" x 17" dimension; three (3) plan sets at full 24" x 36" size; and, at the discretion of the Planning Department staff and Department of Public Works engineering staff—Autocadd files for the project plan set in original CADD format and/or in readable drawing format .

B) All text documentation and application materials: the applicant shall submit the following: a digital PDF file of all required and voluntarily-provided materials; ten (10) paper copies of same.

##### 15.9.2 Plan Submission Content

Plans of the site and related engineering details shall be stamped by a registered professional engineer licensed to practice in Massachusetts. Plans shall generally follow the submission requirements in Section 7.5.2.1, paragraphs (a) through (e), subject to modification on a case basis, but typically shall include the following: cover sheet,

legend and notes; existing site conditions; general site layout; grading and topography; stormwater management; utility plans; detailed landscape plans, the final version of which shall be stamped by a registered landscape architect licensed to practice in Massachusetts; and as many sheets as are needed to portray engineering details covering all aspects of utilities, infrastructure and site engineering and construction. If pertinent, the package may include traffic diagrams; building elevation drawings; impact analysis for designated aspects of the project, or other material pertinent to the proposed development.

#### 15.9.3 Other Submission Materials

Submission packages shall include the Application Form; a Cover Letter; Drainage Calculation Reports; and other material deemed to be necessary in pre-application communications. Additional material may include, on a case basis as needed, traffic impact analysis; groundwater protection studies and plans; operation and maintenance plans for on-site utilities; common maintenance agreements; analyses in aspects of project impact; and other materials deemed to be necessary by the Planning Department or Board.

#### 15.10 Planning Board Findings

A special permit shall be issued under this section if the Planning Board finds that the development is in harmony with the Purposes and the Objectives and Review Criteria of this section and that it contains a compatible mix of uses sufficiently advantageous to the Town to render it appropriate to depart from the requirements of the Bylaw otherwise applicable to the Industrial or Commercial District in which the development is located.

#### 15.11 Amendments

After approval, the developer may seek amendments to the approved plan. Minor amendments may be made by a majority vote of the Planning Board. It shall be a finding of the Planning Board whether a requested amendment is deemed to be major or minor. A major amendment shall require the filing of an amended special permit application.

\* A hotel located therein in the Industrial Park A, Industrial B, Industrial C districts may contain, in addition to guest rooms, lodging units that are suites with permanent cooking facilities for temporary or intermittent stay required for guests who are there as temporary occupants engaged in business activity, or if for other purpose, subject to the limitations of 4.2.6.1 in this zoning bylaw.



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F. **Suggested Zoning Bylaw Organization (Westborough, MA)**

**TOWN OF WESTBOROUGH ZONING BYLAWS  
DATED FEBRUARY 2, 1990  
With Amendments through October 15, 2012**

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**ARTICLE 1. ADMINISTRATION AND PROCEDURE**

1100. Purpose

1200. Administration

1300. Board of Appeals

1400. Amendments

1500. Separability

1600. Applicability

1700. Effective Date

**ARTICLE 2. DISTRICT REGULATIONS**

2100. Establishment of Districts

2200. Use of Regulations

2300. Use Regulations Schedule

2400. Nonconforming Uses

2500. Dimensional Regulations

2600. Dimensional Regulations Schedule

**ARTICLE 3. GENERAL REGULATIONS**

3100. Parking and Loading Requirements

3200. Environmental Controls

3300. Sign Regulations



#### **ARTICLE 4. SPECIAL REGULATIONS**

4100. Earth Moving Regulations

4200. Multi-Family Dwellings

4300. Open Space Community

4400. Accessory Uses and Structures

4500. Flood Plain District

4700. Aquifer & Watershed Protection District

4800. Special Permits for Adult Uses

4900. Downtown Planning Overlay District (DPOD)

5000. Transit Oriented Village for Special Permit in Industrial C Zone

5100. Gateway 2 District

5200. Multi-Family Housing in the Highway Business District

5300. Senior Living Overlay (SLO)

5400. Industrial D Overlay District (ID)

5500. Mixed Use District (MUD)

5600. Large-Scale Ground-Mounted Solar Photovoltaic Installations

#### **ARTICLE 5. DEFINITIONS**

#### **BY-LAW CHANGE LOG**



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## G. Best Practices

### Process and Approval

- Expand Staff level administrative approvals
- Implement/expand by right zoning opportunities
- Simplify category approval tracks: to process to type and complexity of proposed development i.e. development thresholds

### Simplify Zoning Categories

- Consolidate number of base zones
- Limit number of overlay zones
- Apply “Form Based Code” type elements to “special areas
- Modernize and simplify development/performance standards (administrative and by-right approvals)

### Mixed Use

- Apply in appropriate places where market is supportive
- Development standards should provide options in order to adjust to market changes
- Integrate/incentivize residential, commercial, employment and civic uses
- Create a network of public spaces and require connectivity
- Standards should support creating human scale buildings that fit with surrounding context

### Use Tables and Regulations

- Simplify Use Tables by using broad, inclusive categories
- Identify examples in each category



### **Development Standards**

- Illustrate standards liberally with graphics and diagrams-reduce words
- Organize development standards in one place

### **Promoting Redevelopment**

- Provide incentives- density bonuses (FAR), streamlined review, reduced parking etc.
- Provide flexibility to accommodate market shifts
- Provide/expand by-right zoning opportunities



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## H. Development Incentives

Following is a list of development incentives that may be included in the regulations to help facilitate development or redevelopment of underutilized properties. As the market analysis work advances, it will make specific recommendations around which incentives are most appropriate for specific industry sectors/businesses. As such, the list that follows should be viewed as a work in progress that will be further refined in the coming weeks.

### **Municipal Tax Abatements**

[http://www.ct.gov/eecd/lib/eecd/sec\\_12-65\\_\(b\).pdf](http://www.ct.gov/eecd/lib/eecd/sec_12-65_(b).pdf)  
<http://www.town.wallingford.ct.us/images/customer-files//RealPropTaxIncAgreeI5F121613.pdf>

Each municipality in the State of Connecticut has the ability to offer, on a sliding scale depending on level of investment, local tax abatements for both real estate and manufacturing machinery and equipment.

### **Urban and Industrial Site Reinvestment Tax Credit Program**

<http://www.ct.gov/eecd/cwp/view.asp?a=3690&q=249842>

An eligible Urban Site Investment Project is defined as an investment that will add significant new economic activity, increase employment in a new facility and generate significant additional tax revenues to the municipality and the state.

Communities that may participate in the Urban Site Investment Tax Credit Program are those that have an enterprise zone, have been designated as a distressed municipality or have a population in excess of one hundred thousand.

An eligible Industrial Site Investment Project is defined as an investment made in real property, or in improvements to real property, located within Connecticut that has been subject to environmental contamination. The investment will return the property to a viable business condition that will add significant new economic activity, increase employment and generate additional tax revenue to the state and the municipality in which the property is located.

The real property of an "eligible industrial site investment project" or an "eligible urban reinvestment project" may be eligible to receive a 50% property tax abatement



on that portion of the property tax due that is attributable to the increased value of such property as a result of the approved remediation, construction or other development.

### **Enterprise Zone**

<http://www.ct.gov/ecd/cwp/view.asp?a=1097&q=249762>

Groton is a designated Enterprise Zone municipality by way of special legislation due to the impact of severe defense industry cutbacks, each representing a minimum of 2,000 lost positions.

There are basically two business incentives associated with an Enterprise Zone location:

- A five-year, 80% abatement of local property taxes on qualifying real and personal property, subject to the property being new to the grand list of the municipality as a direct result of a business expansion or renovation project, or in the case of an existing building, having met the vacancy requirement. The property tax abatement is for a full five-year period and takes effect with the start of the first full assessment year following the issuance of a "Certificate of Eligibility." Statutory reference to these benefits can be found in [CGS 32-9p](#), [32-9r](#), [32-9s](#), [12-81\(59\)](#) and [12-81\(60\)](#).
- A ten-year, 25% credit on that portion of the state's corporation business tax that is directly attributable to a business expansion or renovation project as determined by the Connecticut Department of Revenue Services. The corporation tax credit is available for a full ten-year period and takes effect with the start of the business' first full fiscal year following the issuance of a "Certificate of Eligibility." The corporate tax credit increases to 50% if a minimum of 30% of the new full-time positions are filled by either zone residents or are residents of the municipality and are WIA eligible. The statutory reference for this benefit is [CGS 12-217\(e\)](#).

Newly formed corporations located in a zone qualify for a 100% corporate tax credit for their first three taxable years and a 50% tax credit for the next seven taxable years. The corporation must have: (1) at least 375 employees - at least 40% of which are either zone residents or are residents of the municipality and who qualify for the Workforce Investment Act, *or* (2) has less than 375 employees - at least 150 of which are zone residents or are residents of the municipality and who qualify for the Workforce Investment Act.

Any businesses engaged in biotechnology, pharmaceutical, or photonics research, development or production, with not more than three hundred employees, are eligible for Enterprise Zone benefits if they are located anywhere in a municipality with (1) a major research university with programs in biotechnology, pharmaceuticals



or photonics and (2) an Enterprise Zone. Benefits are subject to the same conditions as those for businesses located in an Enterprise Zone.

### **Entertainment District**

<http://www.ct.gov/ecd/cwp/view.asp?a=1097&q=249762>

A municipality with a designated Enterprise Zone, such as Groton, is defined as a Targeted Investment Community. The community can therefore designate other areas within the municipality “as having the equivalent of Enterprise Zone-level benefits. This includes designating an Entertainment District, under certain circumstances. In the event that an eligible entertainment-related project takes place within the boundaries of the designated Entertainment District, the municipality has the option of providing a 100% property tax abatement for the eligible project for up to seven years, rather than the standard tax abatement of 80% for five years.

### **Incentive Housing Zone**

<http://www.pschohousing.org/homeconnecticut-program>

An Incentive Housing Zone is an area which has a zoning overlay that allows developers to increase housing density in exchange for creating mixed-income housing. The program provides municipalities with complete control over the location, amount, type and design of the homes created, while also offering a tool that allows all residents of a town to have input into housing decisions: where it should be built, what it should look like, or whether it should be created at all.

Towns that choose to create more housing using the HOMEConnecticut program can create an Incentive Housing Zone (IHZ) with only two requirements:

- That at least 20% of the units in the zone be affordable for households earning 80% of the area median income or less, and
- That the zoning allows at least 6 single-family, 10 townhomes or duplexes, or 20 multifamily housing units per acre. (Rural towns and developments in which all of the units are affordable may request a density waiver from OPM.)

When an IHZ is created, towns then qualify for:

- Zone Adoption Incentives of \$20,000 when the zone is approved by OPM.
- Building Permit Incentives between \$15,000 and \$50,000, when housing is built in the IHZ.

Towns may use Incentive money for any purpose.



## **Sales and Use Tax Exemption**

Sales and use tax relief on the purchase of tangible personal property for qualifying retention and expansion projects or projects that significantly contribute to a targeted industry cluster. The minimum investment in eligible property must equal \$5 million and a total award must not exceed \$10,000 per new job created and \$2,000 for each retained position.

## **Tax increment Financing (TIF)**

Bill 677: An Act establishing Tax Incremental Financing Districts was recently passed into law in June 2015. According to the Connecticut Chapter of the American Planning Association the new TIF law will make TIF's a flexible tool where tax increments could be used for a variety of purposes such as downtown revitalization projects, transit-oriented development, incentive housing developments, and even park and streetscape improvements. TIFs will now be able to be used for districts like downtown neighborhoods rather than individual development projects. TIF's will also be able to be used for smaller projects in small towns.

[http://www.ccapa.org/wp-content/uploads/2015/04/HB\\_677\\_Position\\_Statement.pdf](http://www.ccapa.org/wp-content/uploads/2015/04/HB_677_Position_Statement.pdf)

## **New Market Tax Credits**

The New Market Tax Credit (NMTC) program attracts capital to low income communities by providing private investors with a federal tax credit for investments made in businesses or economic development projects located in some of the most distressed communities in the nation – census tracts where the individual poverty rate is at least 20 percent or where median family income does not exceed 80 percent of the area median.

A NMTC investor receives a tax credit equal to 39 percent of the total Qualified Equity Investment (QEI) made in a Community Development Entity (CDE) and the Credit is realized over a seven-year period, 5 percent annually for the first three years and 6 percent in years four through seven. If an investor redeems a NMTC investment before the seven-year term has run its course, all Credits taken to date will be recaptured with interest.

## **Urban Sites Remedial Action Program**

[http://www.ct.gov/deep/cwp/view.asp?a=2715&q=489000&depNav\\_GID=1626#UrbanSitesProgram](http://www.ct.gov/deep/cwp/view.asp?a=2715&q=489000&depNav_GID=1626#UrbanSitesProgram)

The Urban Sites Remedial Action Program was created for DEEP and DECD to address a key constraint to the conveyance and reuse of contaminated properties – the fear purchasers and investors have of assuming environmental liability for pollution created by others. The Urban Sites Remedial Action Program facilitates the transfer,



reuse and redevelopment of potentially polluted commercial and industrial real property which otherwise would remain vacant and unproductive for the economy of the municipality, region and State. When necessary, the State can commit public funds to prepare the planning and implementation of the site remediation. Eligible sites must be located in either a distressed community, as defined in CGS Section 32-9p, or a target investment community, and the site must have a high economic development potential as determined by DECD. These funds are intended as "seed capital" to expedite the project. Recovery of state funds committed to a project will be sought.

- Dedicated staff resources are available to address the environmental issues at underutilized or abandoned urban industrial facilities.
- DEEP can expedite review of site remediation plans prepared by responsible parties willing and able to work with DEEP.
- Bond funds are available to hire private consultants to undertake site assessments and remedial measure when the responsible party(ies) are unwilling or unable to undertake the work in a timely manner. DEEP and DECD may seek cost recovery for expended funds.
- DEEP Oversight
- CGS Section 22a-133m

### **Municipal Brownfield Liability Relief Program**

[http://www.ct.gov/deep/cwp/view.asp?a=2715&q=489000&depNav\\_GID=1626](http://www.ct.gov/deep/cwp/view.asp?a=2715&q=489000&depNav_GID=1626)

- The program is open to any municipality or economic development agency, nonprofit economic development corporation, or nonstock corporation or limited liability company established by a municipality to address redevelopment.
- Qualified applicants must apply to DEEP on the designated Municipal Brownfield Liability Relief Program Application Form ([Word](#) / [PDF](#)) for liability relief associated with a certain Brownfield property and certify that they:
  - intend to acquire title to such brownfield for the purpose of redeveloping or facilitating the redevelopment of such brownfield;
  - did not establish or create a facility or condition at or on such brownfield that can reasonably be expected to create a source of pollution;
  - are not affiliated with any person responsible for such pollution; and
  - are not otherwise required to remediate such
- Provides state and third party liability relief for any pre-existing contamination.
- Provides exemption from the Property Transfer Act.
- Once in the program, municipalities are not required to fully investigate or cleanup the Brownfield but are required to serve as good stewards of the land.



### **Other Traditional Incentives**

- Site development assurance to deal with environmental issues and remediation
- Funding for infrastructure - roads sewer, fiber, water, etc.
- Density bonus (above what is allowed by right)
- Relief from building height restrictions
- Public Private Partnerships
- Expedited review of permitting for development review
- Relief from other zoning regulations such as building setbacks, floor heights, lot area, parking requirements, or number of dwellings.