

TOWN OF CARVER

2800. PLANNED NEIGHBORHOOD DEVELOPMENT (PND) OVERLAY DISTRICT

3/24/06

2810. Purpose. The purpose of this Section 2800 is to authorize and encourage planned neighborhood developments that promote a broad range of housing types and limited small retail/office uses, all centered around areas of usable public open space. Traditional neighborhood developments should incorporate pedestrian, bike, and transit-friendly design. Traditional neighborhood developments should include conditions and safeguards to prevent detrimental effects and impacts upon neighboring land uses and upon the Town of Carver generally.

The PND overlay district further serves as a receiving area for development rights transferred under Section 2700, Transfer of Development Rights.

2820. Applicability. The PND is an overlay district superimposed over the underlying zoning district(s). The boundaries of the PND are defined as the area designated "PND" shown on the Zoning Map. The PND district only comes into effect for developments that utilize transfer of development rights (TDR) as described in Section 2700. The enhanced density, dimensional, and use regulations contained in this section shall only apply to developments that utilize TDRs. Furthermore, there must be a minimum of 50 TDR units transferred into the PND per planned neighborhood development for the enhanced density, dimensional, and use regulations of the PND to take effect. Developments that do not utilize TDRs or do not meet the 50 TDR requirement are limited to the density, dimensional, and use regulations of the underlying zoning district(s).

2821. Each planned neighborhood development must contain at least Sixty (60) acres.

2830. Use Regulations. All principle and accessory uses that are allowed in the Village district, either by right or special permit, shall be allowed in the PND, subject to the following restrictions:

- a) All commercial uses (i.e. retail, office, banks, restaurants, etc.) shall have less than 8,000 sq. ft. of gross floor area per establishment.
- b) All commercial uses should be two stories and include flexible floor space on the second story to allow for office or residential uses.

In addition, the following uses shall also be allowed in the PND:

Multi-family dwellings may take the form of apartments and/or townhouses; townhouse dwellings may contain up to six (6) dwelling units per building, apartments dwellings may contain up to ten (10) dwelling units per building.

Mixed-use buildings may include residential uses accessory to non-residential uses.

Other uses include convalescent or nursing home, or assisted elderly housing, health/membership club, intermodal passenger terminal, small (neighborhood) office and /or small (neighborhood) retail.

All PND uses are subject to the dimensional regulations and design standards/requirements of this Section.

2831. Prohibited Uses. All principle and accessory uses prohibited in the Village district shall be prohibited in the PND. In addition, drive-in/through facilities shall be prohibited in the PND.

2832. Use mix. Each planned neighborhood development must contain a least three (3) different land uses. For the purposes of this subsection, single-family residential is considered a different land use than multi-family residential, retail is considered a different land use than office, etc. Public open space/park is required in all planned neighborhood developments and does not count toward the three required land uses. The maximum percentage of land area allowed per land use category within a planned neighborhood development phase shall be as follows:

<u>Use Category</u>	<u>Maximum percentage of a PND phase, in</u>
<u>acres</u>	
Single-family residential	45%
Multi-family residential, including residential in mixed-use buildings	35%
Community uses (religious, education, municipal)	10%
Commercial uses (retail, office, bank, restaurant, etc.)	10%

2833. The above use regulations apply only to developments that utilize TDRs and meet the 50 TDR requirement. Developments that do not utilize TDRs or do not meet the 50 TDR requirement are limited to the use regulations of the underlying zoning district(s).

2840. Density and Dimensional Regulations. Developments that do not utilize TDRs or do not meet the 50 TDR requirement are limited to the dimensional regulations of the underlying zoning district(s). Developments that utilize TDRs

and meet the 50 TDR requirement shall conform to the following dimensional requirements:

Planned Neighborhood Development Overlay District

Minimum Area (1)	7,000 sq. ft.
Minimum Frontage	65 feet
Minimum Depth	75 feet
Minimum Front Setback (2)	10 feet
Maximum Front Setback	20 feet
Minimum Side Setback (2)	10 feet
Minimum Rear Setback (2)	15 feet
Maximum % Building Coverage	55%
Maximum % Lot Coverage	75%
Maximum Height	
1-family or 2-family residential	Two and a half (2.5) stories or 35 feet
Multi-family residential	Three (3) stories or 40 feet
Non-residential or mixed-use buildings	Three (3) stories or 40 feet

(1) For multi-unit residential dwellings, add 2,000 sq. ft. to the minimum lot requirement for each additional unit in addition to the first unit (ex. 2 units requires 9,000 sq. ft., 3 units 11,000 sq. ft., etc.). Mixed-use buildings containing residential and non-residential uses are exempted from this requirement.

(2) Parking and loading spaces shall not be allowed in the setbacks.

2841. Density limitation. The maximum density of a planned neighborhood development shall be 6 units per net usable land area (NULA) acre. The NULA calculation is explained in Section 2863.

2850. Design Standards/Requirements.

Section 2851. Green/Square and other Open Spaces. At least 20% of the land area within a PND shall be open space. Open space shall be permanently protected from future development via a deed restriction or donation to the Town of Carver. Within the 20% open space requirement, there shall be a minimum of one (1) acre of public land suitable for active and/or passive recreation for every 20 acres within the PND. Land for active/passive recreation may be provided in one or more parcels, provided each parcel contains a minimum of 10,000 sq. ft.

a. Each PND phase shall include at least one neighborhood green/square. Neighborhood greens shall be used solely for active and/or passive recreation purposes and shall be open to the public. Each neighborhood green shall be at least one (1) acre in area. The neighborhood green shall be designed as a pedestrian friendly park, and shall contain some combination of benches,

tables, playground equipment, sidewalks, lighting and landscaping. The neighborhood green shall be easily accessible to pedestrians and shall be properly maintained. The green/square should be surrounded by buildings with complementary ground floor uses such as restaurants and cafes (preferably with seasonal outdoor seating), and other businesses that operate in both daytime and evening hours, to create a festive, welcoming, well-populated attraction for pedestrians.

b. Additional open spaces as needed to meet to the 20% open space requirement or the active/passive recreation requirement should be sited throughout the district to serve a variety of purposes, such as commons or greens, walking trails, bikeways, neighborhood pocket parks, community gardens, civic gathering places, and passive and/or active recreation. All public land for active/passive recreation shall be accessible via pedestrian connections and shall be properly maintained. Small-scale "pocket parks," and community gardens are encouraged in all residential areas, particularly adjacent to multi-family dwellings with limited private open space.

c. The total acreage of all public land for active/passive recreation may be used toward calculating the allowable density for one of the nearby land uses within that phase.

2852. Affordable housing. At least fifteen percent (15%) of all dwelling units constructed in each phase of a planned mixed-use development shall meet the State's affordable housing requirements for low to moderate income. Fractional units of .5 or greater should be rounded up to the next whole unit; fractional units less than .5 shall be rounded down. It is intended that the affordable housing units that result from this bylaw shall qualify as Local Initiative Program (LIP) units in compliance with the requirements for the same as specified by the Department of Housing and Community Development and that said units count toward the Town's requirements under M. G. L. c. 40B, sec. 20-23. The affordable units shall be marketed through the Carver Housing Authority, South Shore Housing Development Corporation, or other housing organization approved by the Planning Board. The affordable units must be marketed fairly and openly in accordance with state and federal law. All affordable units shall be initially sold or rented at an affordable price to qualified affordable housing occupants, and resale restrictions will assure continued affordability in perpetuity. Such restrictions shall be made known to the homebuyer or renter prior to the purchase / occupancy of unit.

a. In lieu of providing said affordable units on-site, the applicant may satisfy the affordable housing requirement by providing fifteen percent (15%) of the total number of dwelling units as affordable off-site, through

the purchase of vacant or abandoned units, redevelopment and/or new construction within the town.

b. Affordable dwelling units shall remain available to persons of qualifying income levels in perpetuity through the use of an affordable housing deed restriction as defined in M.G.L. c. 184 Section 31.

c. The purchaser of an affordable housing unit developed as result of this Bylaw shall agree to execute a deed rider prepared by the Town, granting, among other things, the Towns right of first refusal for a period of not less than one hundred eighty (180) days to purchase the property or assignment thereof, in the event a qualified affordable purchaser cannot be located, despite diligent efforts to sell the property.

d. All affordable units constructed or rehabilitated under this bylaw shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units.

1. Affordable units within market rate developments shall be integrated with the rest of the development and shall be compatible in design, appearance, construction and quality of materials with other units.

2. Where feasible, affordable housing units shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable units be delayed beyond the schedule noted below:

<u>Market-Rate Unit %</u>	<u>Affordable Housing Units %</u>
Up to 30%	At least 10%
Up to 50%	At least 30%
Up to 75%	At least 50%
75% plus 1 unit	At least 70%
Up to 90%	100%

2853. Parking.

a. On-street parking is encouraged throughout the PND overlay district. Parking lanes should be provided on at least one side of the street in predominantly residential areas and on both sides of the street in predominantly mixed use and non-residential areas. On-street spaces along the front property lines of a block shall be designed as either parallel to or diagonal to the curb and be consistent on both sides of the same side of the street within the same block. On-street spaces along the front

property line of an individual lot shall be counted toward the minimum number of parking spaces required for the use on that lot.

b. Off-street parking as an accessory use shall only be provided at the sides or the rear of a building. Surface parking lots and/or private garages may be provided for all uses. For multi-family, mixed, and non-residential uses, pedestrian connections shall be provided from all side or rear parking facilities to the front of the building. Where a parking facility is located behind and serves multiple adjacent buildings, pedestrian connections to the street shall be provided between buildings at regular (maximum 400 foot) intervals.

c. Required Parking Spaces

1. Residential: Two (2) spaces per dwelling unit.
2. Residential in mixed use buildings residential parking may be reduced to One (1 1/2) and half spaces.
3. Non-Residential Uses: Spaces shall be provided as per the requirements of Section 3300. A 25% reduction in required spaces may be permitted when the developer provides common parking areas and submits information on peak times by use, confirming that uses are compatible relative to parking demand. On street parking in front of a building may be utilized to help fulfill this requirement. Common parking areas for commercial uses should be within 1,000 feet of business and connected by lighted sidewalks or paths.

2854. Pedestrian access.

a. All new streets shall have paved sidewalks to maintain continuous pedestrian connections throughout the PND and to/from adjacent public ways. On streets with mixed and non-residential uses, sidewalks shall be a minimum six (6) feet wide; for residential uses, a minimum four (4) feet wide. Accessible curb cuts shall be provided at all intersections and pedestrian crosswalks.

b. Crosswalks are required at all intersections where pedestrian and vehicular traffic are expected to intersect. Crosswalks may be designated by painted lines or changes in paving materials.

c. Footpaths/bikeways shall be provided throughout the PND to facilitate pedestrian connections throughout the District, particularly to and from the Village Square/Green, and to and through public open spaces. Footpaths need not be paved, but shall be accessible to the public, well lit, and regularly maintained. Paved footpaths may double as bikeways as long as they meet AASHTO Standards.

2855. Building Design

- a. The mass, proportion and scale of the building, roof shape, roof pitch, and proportions and relationships between doors and windows should be harmonious among themselves.
- b. Architectural details of new buildings and additions, and textures of walls and roof materials, should be harmonious with the building's overall architectural style and should preserve and enhance the historic character of Carver.
- c. Front and sides of the building facades in excess of forty (40) feet shall incorporate recesses and projections, of a minimum of two (2) feet in depth, to break up the building's mass.

2856. Other requirements and standards.

- a. Public trash receptacles should be provided throughout the mixed-use area and the Village square/green.
- b. Underground Utilities shall be required.
- c. All mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, shall be located out of public view and situated with the intent of causing minimal acoustic intrusion on building occupants and adjacent uses. Visual screening or acoustic buffering may be required, by means of parapets, walls, fences, dense evergreen foliage, or other suitable means.
- d. All other applicable design regulations of this bylaw, including but not limited to landscaping, lighting, and signage, shall apply to Planned Mixed-use Developments. If the design standards/requirements of this section conflict with another section of the bylaw, the standards/requirements of this section shall apply.

2860. Procedures. All Planned Neighborhood Developments are subject to a Special Permit. The Planning Board is hereby designated as the Special Permit Granting Authority (SPGA) for a PND special permit.

2861. Pre-application meeting and preliminary PND concept plan. A pre-application meeting between the applicant and the Town Planner is strongly encouraged. The purpose of the pre-application meeting is to identify issues relating to the proposed PND. At this pre-application meeting, applicants are encouraged to submit a Preliminary PND Concept Plan for review and comments by the Planning Board. A Preliminary PND Concept Plan shall consist of a sketch plan showing the layout, lotting, and number of units of all

proposed land uses, as well as the location of all public open space and road networks. The sketch plan should show the proposed PND in a general or schematic way. The applicant is further encouraged to submit several alternative sketch plans where appropriate

2862. Planned Neighborhood Development Plan. Applicants for a Planned Neighborhood Development shall submit to the Planning Board an application for a special permit and ten (10) copies of a Planned Neighborhood Development Plan in such form as may be required in the Planning Board's Rules and Regulations Governing Planned Neighborhood Development Special Permits. Applicants shall also submit a Net Usable Land Area plan as described in Section 2863 and an application for Site Plan Approval under Section 3100. *[Amend Section 3100 to require Site Plan Approval for Planned Neighborhood Developments]* Applicants shall include a statement indicating the number and types of dwelling unit, as well as the proposed use and ownership of all open space. Applicants shall also submit a mitigation plan for the Planned Neighborhood Development. The mitigation plan should include any needed or required offsite improvements to roads or other infrastructure.

2863. Net Usable Land Area plan. The base density of the tract under consideration for a Planned Neighborhood Development shall be established by having a Net Usable Land Area (NULA) plan submitted to the Planning Board. The NULA acreage is established by subtracting all water bodies, wetlands, marshes, bogs and land within a sixty-five (65) foot wetland buffer area to these regulated lands. The remaining upland area is the NULA. The NULA divided by the minimum lot size in the underlying zoning district equals the base number of units that could be developed on the tract. Fractions of a unit shall be rounded down. The base density may be increased by adding TDRs up to the 6 units per NULA acre cap stipulated in Section 2841. The applicant shall demonstrate how the proposed density can be achieved by a combination of base density and available TDRs.

2864. The Planning Board shall follow the procedural requirements for special permits as set forth in Section 9 of M.G.L. Chapter 40A. After notice and public hearing and after due consideration of the reports and recommendations of other town boards, commissions and or departments, the Planning Board may grant such a permit. The Planning Board shall also impose, in addition to any applicable conditions specified in this section, such conditions as it finds reasonably appropriate to improve the site design or mitigate the impacts of the proposed development. Such conditions shall be imposed in writing and the applicant may be required to post a bond or other surety for compliance with said conditions in an amount satisfactory to the Planning Board.

2870. Criteria for Review and Approval.

PND special permits may be granted by the Planning Board upon its written determination that benefits of the proposed planned mixed-use development or phase thereof outweigh the detrimental impacts of the development in the PND overlay district and on the town. The SPGA shall review and make all determinations on the application. In order to approve the SPGA shall also make a positive finding on each of the following criteria:

- a. The resulting development complies with the currently accepted versions of the Master Plan and the Open Space & Recreation Plan;
- b. The mixed-use design provides a superior pedestrian friendly neighborhood;
- c. The resulting development meets the design standards/requirements of section XX50
- d. The resulting development provides adequate water and wastewater that meet Title V and Board of Health requirements;
- e. The development will not create a greater demand on public facilities and services than would have occurred in the absence of a PND special permit, or such increases have been adequately mitigated;
- f. The Projected traffic generation from the development onto local roads and intersections is within the capacity of the existing local and regional road network and adequately adheres to acceptable principles of access management. If deemed necessary by the Planning Board, traffic mitigation improvements may be required to address capacity, safety and access management issues;
- g. The design and layout of streets, parking and loading of the development is suitable to the property and surrounding neighborhood, creates a network of interconnecting, pedestrian oriented streets and is acceptable to the Planning Board.