

## **Burlington Planning Board**

### **PLANNED DEVELOPMENT DISTRICT RULES AND REGULATIONS**

**As Amended through March 19, 2015**

#### ***Introduction***

A Planned Development District (PDD) allows a landowner or developer (the “Proponent”) to draft site-specific zoning regulations for new or adaptive projects not otherwise allowed in the Burlington Zoning By-Law. The establishment of a PDD requires an amendment to the Zoning Bylaw. The regulations set forth in Article XII of the Zoning Bylaw for the rezoning of property to a new PDD requires a minimum lot size for eligibility of 10 acres. Subject to the 2/3 vote of Town Meeting, any parcel may be rezoned to a PDD.

Rezoning land to a PDD should be a collaborative effort between the Proponent and the Town of Burlington. Town Meeting looks to the Town Administrator, Board of Selectmen, Planning Board and staff, Land Use Committee and other appointed and elected officials for a recommendation.

These Rules and Regulations are intended to offer practical advice to Proponents, public citizens, and municipal officials interested in the process of establishing a PDD. The Planning Board recommends that Proponents carefully consider the practical suggestions set forth in the Rules and Regulations, as this delineates the Town’s preferred path for consideration of a PDD Rezoning.

#### ***Purpose and Intent***

Article XII of the Zoning Bylaw states the purpose and intent of the Planned Development District. Proponents should be prepared to explain how rezoning land to a PDD classification will promote objectives set forth in Article XII of the Zoning Bylaw.

#### ***Procedures***

Below is an outline of the recommended procedures and details of the specific steps to be followed by the Proponent.

1. Pre-Application Review
  - a. Project description
2. Rezoning Warrant Article Submission to Board of Selectman (Warrant article submission subject to timeframes outlined in the Burlington General Bylaws.

3. Application Submission to the Planning Board
  - a. Application
  - b. Zoning Provisions (Template A)
  - c. Use Table (Template B)
  - d. Special Conditions (Template C)
  - e. Development Plan
  - f. Development Narrative
  - g. Administrative Requirements
4. Peer Review & Memorandum of Agreement (if applicable)
5. Additional Requirements
6. Final draft submission – All final PDD language shall be submitted to the Board of Selectman for inclusion in the warrant by the Planning Board.

## ***Pre-Application Review***

Proponents are strongly encouraged to schedule a pre-application review with representatives of the Planning Board and staff, and the Town Meeting's Land Use Committee.

Pre-application review can precede the preparation of detailed plans or specifications. This initial meeting can help to determine if the proposed rezoning is consistent with municipal goals and policies and to provide guidance to the Proponents as they develop the concept plan.

Proponents are advised to seek this review at least 6 months before Town Meeting. The Development Plan and warrant article must be finalized at least ninety (90) days<sup>1</sup> before Town Meeting for consideration at Town Meeting.

## ***Peer Review & Memorandum of Agreement (if applicable)***

PDD proposals may require legal and technical review through a Peer Review type process. The Planning Board shall determine if a Peer Review is required by majority vote. Review of zoning proposals do not fall under a typical peer review account authorized under g.L.c.44 s.53G. Accordingly, the Planning Board and Land Use Committee suggest that the Proponent enter into a preliminary Memorandum of Agreement (MOA) with the Board of Selectmen to fund such review pursuant to g.L.c. 44 s. 53A. The MOA shall be prepared by the Proponent and reviewed and approved by the Planning Director. It is recommended that the MOA be executed as quickly as possible to reduce any delays in review.

The peer reviewers hired using the 53A escrow account should be engaged with “not to exceed” contracts. This allows the Proponent to assess costs and balance risks. If reasonable review requires additional funds, the MOA should provide for the possibility of augmentation agreeable to the Proponent and Town.

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<sup>1</sup> Burlington General Bylaws, Article II, Section 2.1.2

Not all projects are the same, but a very complex project might include the participation of including but not limited to the following types of expert peer reviewers:

- \* Environmental Engineer
- \* Traffic Engineer
- \* Parking Consultant
- \* Civil Engineer
- \* Wetlands Specialist
- \* Attorney
- \* Licensed Site Professional
- \* Acoustical Engineer
- \* Lighting Consultant
- \* Architect or Landscape Architect
- \* Fiscal Analyst

The peer review team should be allowed to communicate and work freely with each other and the members of the Proponent's team. Periodic meetings with staff should be scheduled to keep the project consistent with municipal goals and policies.

### ***Development Proposal***

Section 12.1.4 of the PDD Bylaw requires the Proponent to submit a Development Proposal as part of the application for rezoning to a PDD. The Proponent's first draft of the Development Proposal for the PDD should contain sufficient detail to enable peer review, if applicable. It is anticipated that the Development Proposal will evolve once peer review begins. The Final Development Plan and warrant article, which is submitted to Town Meeting, must be ready 90 days before Town Meeting.

### ***PDD Rezoning Amendment***

As the Development Proposal evolves through the peer review stage, the zoning amendment should begin to take shape. Once the templates are submitted the Planning Board through its staff should be the author of the PDD Rezoning Amendment. Its staff and peer review team should work cooperatively with the PDD Proponent on the final language submitted for inclusion in the warrant.

### ***Workshops and Websites***

In the weeks before Town Meeting, the Proponent and the Town ought to discuss the possibility of a workshop meeting or two for Town Meeting members, neighbors, and the general public. This will ensure that the Town Meeting members will have a better idea of the project when the project is presented at Town Meeting.

A website is also a valuable tool to educate the voters. Posting the latest iterations of the Development Proposal, Development Agreement, and PDD Rezoning Amendment on the internet will give interested parties a chance to review and comment as the project progresses.

## **PLANNED DEVELOPMENT DISTRICT FEE SCHEDULE**

1. The Planning Board shall require a minimum filing fee for a PD District Rezoning Application of \$350.00 plus an additional filing fee equal to one-twentieth of one percent of the total estimated cost of construction, to a maximum of \$5,000.00. (Adopted September 3, 1987) \*
2. The Planning Board shall require a minimum filing fee for a PD District Special Permit Application of \$350.00 plus an additional filing fee equal to one-twentieth of one percent of the total estimated cost of construction, to a maximum of \$5,000.00. (Adopted September 3, 1987) \*
3. The Planning Board shall require that the final approval of an application for a PD District Special Permit shall be conditional upon the applicant submitting to the Town of Burlington fee for inspection services of \$1,000.00 - plus one-tenth of one percent of the total estimated cost of construction (core & Shell and all site related construction), minus fees paid for the Rezoning Application and PD Special Permit Application. (Adopted September 3, 1987, amended September 2014) \*\*
4. When a change is proposed to an approved Site Development and Use Plan for a PD District, which has been approved pursuant to a PD District Special Permit, and which is not deemed a “significant change” to such Site Development and Use Plan, the Planning Board shall review such change in general accordance with Section Three (3) of its Site Plan Rules and Regulations: “Minor Engineering Changes”. (Adopted January 17, 1991) \*\*

In the event that the Planning Board declines to approve a proposed change to a Site Development and Use Plan on the basis that it is not a “Minor Engineering Change”, and such change is deemed to be substantial, the applicant must submit such change to Town Meeting in accordance with Section 12.1.8 and 12.1.3 of the Zoning Bylaw. (Adopted January 17, 1991) \*\*

## **TEMPLATE A: PD DISTRICT USE TABLE:**

Refer to the following format when outlining uses. This is simply a suggested outline and may be modified to meet the needs of the PD District. Uses to be permitted or allowed by special permit that appear in Section 4.2.0, 4.3.0 and 4.4.0 “Use Regulations Schedules”, shall be consistent in language to avoid confusion. New uses may be added within the PDD. Any new uses not already defined in the Zoning Bylaw shall be defined within the PDD Zoning Provisions. Within the PD District there shall be no restriction on combining different categories of uses within the same building or lot other than those imposed by the State Building Code or other federal, state or local regulations other than Zoning.

<b>SECTION</b>	<b>USE DESIGNATION</b>	<b>PERMITTED AT PD DISTRICT</b>  (YES = PERMITTED AS MATTER OF RIGHT SP = SPECIAL PERMIT REQUIRED TM = SPECIAL PERMIT REQUIRED FOLLOWING TOWN MEETING APPROVAL)	<b>SF/Units</b>
	<b>Residential Uses</b>		
	<b>Institutional and Recreational Uses</b>		
	<b>Office Uses</b>		
	<b>Retail and personal Service Uses</b>		
	<b>Commercial Uses</b>		

<b>SECTION</b>	<b>USE DESIGNATION</b>	<b>PERMITTED AT PD DISTRICT</b>	<b>SF/Units</b>
		(YES = PERMITTED AS MATTER OF RIGHT SP = SPECIAL PERMIT REQUIRED TM = SPECIAL PERMIT REQUIRED FOLLOWING TOWN MEETING APPROVAL)	
	<b>Uses in Wetlands District (as defined in Zoning By-Laws)</b>		
	<b>Accessory Uses</b>		

Overlay Districts

All Overlay Districts listed in Article III and Article VIII of the Zoning By-Law shall be in effect unless specifically modified in the PDD Zoning Provisions.

Water Resource District and Aquifer District

Subject to the provisions of Section 8.3.0 of the Zoning By-Laws, the preceding uses shall be permitted as a matter of right or with a Special Permit in a Water Resource and Aquifer District as set forth in the above Table of Uses. Notwithstanding anything to the contrary contained in this Use Table, a use that is prohibited in the Aquifer District shall be prohibited in any portion of the PD Premises included within the Aquifer Overlay District.

## **TEMPLATE B: ZONING PROVISIONS:**

The following Planned Development District Zoning Provisions (hereinafter, the “PDD Zoning Provisions”) shall, except as provided below, govern the development of the Planned Development District (the “PD District”) which is bounded by

(hereinafter, collectively, the “PD Premises”) and shall be in accordance with the Development Plan approved at the Burlington Town Meeting To the extent that the Development Plan does not address an issue of zoning, the development of the PD Premises with respect to any such issue shall be governed by the Zoning By-Laws of the Town of Burlington, Massachusetts.

The following dimensional requirements shall be the exclusive dimensional requirements applicable to development in the PD Premises. These provisions do not supersede any provisions in the Zoning By-Laws including any Overlay District.

### **PD Zoning Block Table: This table should also be a part of the Development Plan**

	<b>Existing</b>	<b>Proposed</b>
Total Land Area		
Upland		
Wetland		
Building Envelope (sf and percentage of total land area)		
Common and open space, if any (square feet and percentage of the total land area)		
Site coverage of buildings (square feet and percentage of the total land area)		
Impervious surface area (square feet and percentage of the total land area)		
Pervious surface area (square feet and percentage of the total land area)		

Gross floor area of all nonresidential buildings		
Floor Area Ratio ( <i>if Applicable</i> )		
Density of dwelling units ( <i>if applicable</i> )		
Number of off-street parking spaces including a break down by use.		

**PD Dimensional Regulation Schedule:** *Any single lot may exceed one or more of the dimensional requirements contained herein so long as all of the lots in the district taken in the aggregate do not exceed any of the dimensional standards contained herein.*

Dimension		Unit
Minimum Frontage		Feet
Minimum Lot Area		Square Feet
Minimum Front Yard		Feet
Minimum Rear Yard		Feet
Minimum Side Yard		Feet
Maximum Building and Structure Height		Feet
Minimum buffer from adjoining RO,RG or OS zoned property		Feet
Maximum Number of Residential Units		Units
Minimum Open Space		Square feet
Impervious Surface		Square Feet

Recharge		%
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**Parking and Loading Regulations:** Each lot within the PD Premises shall provide parking in the amounts as hereinafter provided which may be satisfied either through structured or surface parking. Any shared parking agreements shall be memorialized in the form of an easement recorded at the Middlesex South Registry of Deeds. Parking Ratios shall be pursuant to the ratios specified in following table. (*Any use non applicable to the project may be left blank or N/A*). Where a ratio is not specified for a use, the ratio shall be set forth in Article VII of the Zoning Bylaw.

USE DESIGNATION	Ratio
<b>Residential Uses</b>	
<b>Institutional and Recreational Uses</b>	
<b>Office Uses</b>	
<b>Medical Office</b>	
<b>Retail and personal Service Uses</b>	
<b>Restaurant/Fast Food</b>	
<b>Commercial Uses</b>	
Other...	

**Building Locations:** The Development Plans entitled “\_\_\_\_\_”, Dated \_\_\_\_\_ prepared by \_\_\_\_\_ (hereinafter, the “Development Plans”) denote certain building envelopes wherein proposed structures are to be located. The Developer of the PD Premises or any portion thereof shall be permitted to locate and relocate buildings and modify building footprints within the building envelopes shown on the Development Plans subject to compliance with these PD Zoning Provisions.

**Signage:** Signage shall be pursuant to Article XIII of the Zoning Bylaw and Article XIV of the General Bylaw except as specified below:

**[Applicant to add criteria for review]**

**Lighting:** The purpose of this section is to encourage quality light design while providing a sense of safety and security. The Developer shall consider the following standards when designing a lighting plan.

- The use of lighting should be integrally designed as part of the built environment and should reflect a balance for the lighting needs with the contextual ambient light level and surrounding nighttime characteristics which are appropriate for the uses.
- The lighting designers shall consider utilizing lighting designs with automatic controls systems wherever possible.
- A lighting plan, as applicable, shall be included with any Site Development and Use Plan/Special Permit. Architectural lighting may be utilized to highlight special site features and areas.
- Landscape lighting may be utilized to accent landscaping and special site features.

**Administration and Procedures:** shall be pursuant to Article XII of the Zoning Bylaw and the PD Rules and Regulations.

**Other Miscellaneous Provisions if applicable:**

**[Applicant to add criteria for review]**

## **TEMPLATE C: Special Conditions**

- TRAFFIC, DRAINAGE AND FISCAL IMPACT SCOPE
- SPECIAL CONDITIONS

[Applicant to add criteria for review in consultation with Planning Staff]