

Petition for Warrant Article

Date: February 22, 2011

Title/Subject Matter

of Petitioned Article: Warrant for Amendment to the Town of Hubbardston Zoning Bylaw for an Integrated Planned Overlay District

Contact information for the Petitioner:

Landowner Name: Steve Boucher, Trustee of Gardner Road Realty Trust u/d/t
Dated August 5, 2008

Street Address: 435 Lancaster Street, Leominster, MA 01453

Name of Attorney: James Moriarty III, Bovenzi & Donovan
14 Manning Avenue, Suite 102, Leominster, MA 01453

Day Tel. #: (978) 840-4500 ext. 12

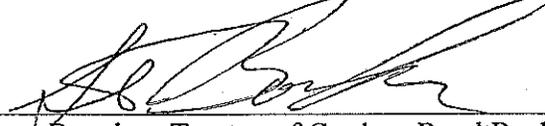
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Brief summary/explanation of the petitioned article:

This Warrant Article is intended to create an Integrated Planned Overlay District (IPOD) that will allow an Applicant to file an application for a Special Permit and Plan with the Town Planning Board for the development of land for multiple uses, including residential, recreational, retail, service, commercial, manufacturing or industrial use. Each proposed development site must be a minimum of ten (10) acres in area.

The IPOD District will be in that area of the Town of Hubbardston that is on the west side of Gardner Road lying between the north side of both Pitcherville Road and Shady Lane and the Town boundaries with the Town of Templeton and the City of Gardner.



Steve Boucher, Trustee of Gardner Road Realty Trust

For Board of Selectmen Use Only

Date petition article submitted:

Date submitted to Planning Board:

The following Board/Committee(s) will comment on this article:

___ Board of Selectmen ___ Planning Board ___ Finance Committee

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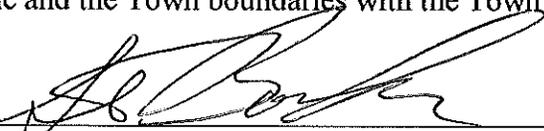
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IPOD ZONING ARTICLE ____

Article _____. To see if the Town will vote to amend the Town of Hubbardston Zoning Bylaw as follows, or act in relation thereto.

STEP ONE. ESTABLISH INTEGRATED PLANNING OVERLAY DISTRICT

Amend The Town of Hubbardston Zoning Bylaws, last amended May 21, 2008 (Hubbardston Zoning Ordinance), by adding Article 20 at the end thereof:

“Article 20 - IPOD Integrated Planning Overlay District.”

The location of the Integrated Planning Overlay District shall be that area as shown on an Amendment to the Zoning Map, as defined under Article 3.2 of the Hubbardston Zoning Ordinance, and which shall be that area on the west side of Gardner Road lying between the north side of both Pitcherville Road and Shady Lane and the Town boundaries with the Town of Templeton and the City of Gardner.

STEP TWO. AMEND DIMENSIONAL REGULATIONS

Amend Article 5.1 Table of Dimensional Requirements by inserting Article 5.1.c. to read:

“5.1.c. For development within an Integrated Planning Overlay District, the requirements of Article 20.C. shall govern regarding Lot Area, Frontage, Front and Rear Side Yards, Lot Coverage, and building dimensions, rather than those contained above in Article 5.1.”

STEP THREE. INSERT NEW ARTICLE 20.

Insert a new Article 20 to read as follows:

Article 20 - Integrated Planning Overlay District (IPOD)

A. Intent and Applicability.

- (1) The purpose of the Integrated Planning Overlay District (IPOD) is to provide design flexibility and efficiency in the siting of development, services and infrastructure; conserve open space; preserve the character of the town; provide for a diversity of lot sizes and building densities; and to allow the integration of land for residential, recreational, retail, service, commercial, manufacturing or industrial uses.
- (2) Integrated Planning Overlay Districts (IPODs) created on the Zoning Map are created by a Town Meeting vote, similar to any Zoning amendment, except that they are an overlay district rather than a replacement for the underlying zoning district being overlaid. Applicants for development hereunder may choose between following the existing provisions of the Residential-Agricultural District underlying the IPOD or to propose an Integrated Plan, and upon its approval, to follow it and the IPOD requirements contained in this Article.

B. Basic Use Requirements.

- (1) Development under IPOD provisions requires the special permit approval of an Integrated Plan by the Planning Board for any use and for any premises involved.
- (2) All proposed development within an approved Integrated Plan must be consistent with that Plan unless the Integrated Plan Special Permit is subsequently revised making the proposed development consistent or excluding the location from the Plan.
- (3) The minimum site area of an Integrated Plan shall be 10 acres.
- (4) An Integrated Plan may apply to more than a single lot or parcel so long as the lots and parcels are contiguous and either in the same ownership or the application is jointly submitted by owners of each lot or parcel that is included.
- (5) In addition to any use now permitted or allowed under the underlying Residential-Industrial District and those uses permitted or allowed in Article 4 – Use Regulation of the Hubbardston Zoning Ordinance, the following uses shall also be allowed by the grant of a special permit by the Town of Hubbardston Planning Board (“Planning Board”) under an Integrated Plan, subject to any conditions that may be imposed by the Planning Board with such grant of approval:
 - (a) Automobile gas station, which may include minimart and/or car wash
 - (b) Restaurants, including fast food/take out with drive through, and eating and drinking establishments
 - (c) Intermodal transportation facilities and terminals
 - (d) Energy production/sales through renewable sources
 - (e) Retail sale of medical, pharmaceutical and associated items
 - (f) Photo Processing
 - (g) Medical or Health Clinics
 - (h) Auto body repair and paint shops provided all work is performed in enclosed structures
 - (i) Sand, gravel, or loam removal
 - (j) Processing and crushing of stone and minerals
 - (k) Asphalt manufacture or refining facility
 - (l) Municipal or privately owned solid waste transfer facilities, including compactors, storage bins and associated activities, but specifically excluding permanent on-site disposal of any waste
 - (m) Medical research and development and related manufacturing/production facilities
 - (n) Low impact industrial uses, including, but not limited to, bottling, printing and publishing, machine shops, tool and die shops, injection molding, and the manufacture or use of solar panels, electric engines or other energy efficient products or facilities
 - (o) Retail stores
 - (p) Wholesale warehousing and distribution establishments, including contractor yards
 - (q) Car or truck washes

- (r) Facilities for the maintenance and repair of vehicles or other engine repair, provided all work is performed within enclosed structures
 - (s) Hotels and motels
 - (t) Municipal or privately owned sewage treatment plant or facility
 - (u) Personal service establishments
 - (v) Forest, wood lots, portable saws and machinery
 - (w) New and used car dealerships
 - (x) Convenience store
 - (y) Recycling facilities, provided that all storage and recycling operations occur within a fully enclosed structure
 - (z) Lumber and building materials dealers
 - (aa) Breweries, including associated bottling activities
 - (bb) Business and professional office or building
 - (cc) Boat, trailer or recreational vehicle sales and service
- (6) Not less than 20% of the land area of the Integrated Plan shall be open space that shall meet the requirements and/or purposes of Article 16.9.

C. Design Requirements.

- (1) The applicant must demonstrate to the satisfaction of the Planning Board that the amount and mix of types of development and the travel demand management efforts proposed for the Integrated Plan will not result in an undue impact upon the surrounding neighborhood.
- (2) The Applicant shall establish to the satisfaction of the Planning Board that the expected number of trip ends within an Integrated Plan will not result in an undue impact or burden upon the surrounding neighborhood, and the Planning Board in its discretion may establish a maximum number of trip ends per acre during peak hour periods through a restriction enforceable by the Town.
- (3) Building height shall not exceed six (6) stories or, if more restrictive, seventy (70) feet unless in acting on a special permit the Planning Board determines that the proposed height is consistent with the intent of IPOD zoning, is essential to the Integrated Plan design, and will have no adverse effect on the surrounding neighborhood, taking into consideration:
 - Height relative to that of the tree crown on nearby land;
 - Height of other existing or planned nearby structures;
 - Distance from the Integrated Plan boundary;
 - Appropriateness of any resulting building prominence in light of the functional or symbolic role of the structure;
 - Shadowing or loss of privacy on nearby properties, whether or not within the Integrated Plan; and

- Whether the increased height is necessary for the building to be developed;

Rooftop mechanical equipment and its height shall be shown on special permit plan submittals, and shall be selected, located, and if necessary screened in order to achieve harmonious integration with the building design.

- (4) Yards abutting the perimeter of the Integrated Plan must comply with the yard requirements applicable in the underlying Residential-Agricultural District, except that no portion of a building having a building height in excess of 35 feet shall be located closer to the perimeter of the Integrated Plan than its height above mean grade.
- (5) Other dimensional standards shall be as provided in an approved Integrated Plan, rather than those stated in Article 5.1 Table of Dimensional Regulations, and may include measures not otherwise used under the Hubbardston Zoning Ordinance, such as limits on the allowed ratio of gross floor area to lot area (“floor area ratio” or “FAR”).
- (6) Parking.
 - (a) The number of parking spaces shall be as required by Article 5.3 On-Site Parking Requirements of the Hubbardston Zoning Ordinance, except as may be modified by the Planning Board in the event that it determines that the proposed parking spaces and their location are consistent with the intent of IPOD zoning, are essential to the Integrated Plan design, and will have no adverse effect on the surrounding neighborhood.
 - (b) Legal on-street parking spaces within the IPOD and adjacent to the development’s premises may be included in satisfying the parking requirement.
 - (c) In the discretion of the Planning Board, access to parking may be shared with adjacent premises where feasible, and shall be located so as to minimize interruptions of pedestrian movement along business-oriented streets.
- (7) A building or portion of a building with massing of more than 75 feet in length must be visually broken into smaller elements with variations among them in height, roof form, wall plane setbacks, entrance orientation, materials, or other means.

D. Phasing

Any Integrated Plan involving more than 1,000,000 square feet gross floor area must be developed in stages of not more than 500,000 square feet gross floor area each. Prior to initiation of development in the second phase, a report must be submitted to the Planning Board providing data on the following development outcomes to that point, together with comparisons with the outcomes anticipated in the application materials and resulting special permit.

- (1) Acres of land subject to open space restrictions;
- (2) Acres of land physically altered for development;

- (3) Total floor area of buildings given occupancy permits, reported by category of use;
- (4) Trip generation by the development as a whole measured at the entrances to the development;
- (5) Demand on public or community water supplies.

The Planning Board shall hold a public meeting to allow the developer to explain how any disparities between expectations and outcomes will be offset through the phases to follow in order to achieve overall compliance.

E. Procedures.

- (1) Parties seeking special permit approval of an Integrated Plan are urged to work closely with the Planning Board and Town staff in developing their proposal in order to assure a well-informed process and similarly to arrange for a dialogue with those who live near to or otherwise would be impacted by the proposal.
- (2) Applications for any other special permits for which the Planning Board is the Special Permit Granting Authority may be consolidated into the Integrated Plan special permit process, while being voted upon separately.
- (3) All applications for approval of an Integrated Plan shall include an Integrated Plan and Report, which shall contain at least the following:
 - (a) Residential uses proposed – tabulation of the number of dwelling units proposed, categorized by building type (multi-family, attached single-family, etc.), bedroom type (studio, one-bedroom, etc.), floor area in each type of dwelling unit, and sales or rental level, including affordability provisions.
 - (b) Open space proposed – tabulation of the extent of reserved open space of various categories, including conservation lands, recreation areas, and other public use areas.
 - (c) Non-residential uses proposed – tabulation of floor area by land use category.
 - (d) An Environmental and Community Impact Analysis pursuant to the provisions of Article 8 of the Hubbardston Zoning Ordinance.
 - (e) A plan view context drawing, covering the premises and at least all parcels abutting and across the street, indicating street and property lines, and at a conceptual level building locations, reserved open space areas, and other features of relevance.
 - (f) Itemization of departures from the use, dimensional, parking or other provisions applicable in the underlying zoning districts.

- (g) An assessment of the impacts of the development upon natural resources, Town utilities, schools, housing needs, taxes or other topics of salience in the particular case.
 - (h) Special provisions proposed, including grants of benefits to the Town such as land for public purposes, construction of, or contributions towards, off-site improvements or directly to the Town for the impact of the development upon Town roads, resources or facilities, or development restrictions proposed such as view corridors or traffic management provisions.
 - (i) A traffic analysis indicating the trips per acre that will result from the Integrated Plan, specifically including traffic during the peak hour level of service, which analysis shall also include a narrative on the impact upon the surrounding neighborhood.
 - (j) A verbal and graphic analysis documenting that the development is assured to be compatible with the character and scale of the immediately surrounding neighborhood.
- (4) Upon reviewing the application for the approval of an Integrated Plan, if the Planning Board determines that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed project, or because of a project's potential impacts, it may require that the applicant pay a "review fee" in addition to the normal special permit application fee. The review fee may consist of the reasonable costs incurred by the Planning Board to assist in the review of an application. The amount of the review fee to be paid by the applicant shall be estimated by the Planning Board on an individual project basis. The Board may engage the services of traffic engineers, civil or environmental engineers, industry experts, or other appropriate professionals who can assist the Planning Board in analyzing a project. The failure of an applicant to pay a review fee shall be grounds for denial of the special permit. If the review fee account becomes depleted, an additional deposit shall be made by the applicant.
- (5) The Integrated Plan and Report shall be provided to the Town Clerk and the Planning Board no later than the date on which first notice is published for the Planning Board hearing for the special permit, with the number of copies and distribution as may be provided in regulations adopted by the Planning Board, or at its discretion, for administration of these provisions, and shall be reviewed at that public hearing. In addition to the determination that the Planning Board is required to make under Article 7-Special Permits of the Hubbardston Zoning Ordinance, the Planning Board shall approve or disapprove such special permit based upon following considerations:
- (a) The consistency of the Integrated Plan and Report with the intent and requirements of this Article 20.
 - (b) The degree to which the Integrated Plan is consistent with the Hubbardston Open Space and Land Protection Priority Map dated November 2003.
 - (c) The consistency of the Integrated Plan with the Purposes stated at Article 1.2 of the Hubbardston Zoning Ordinance.

- (d) The completeness and technical soundness of the Integrated Plan and Report.
 - (e) The degree of assurance that there will be compatibility of building design and siting with the existing vicinity through selection of building materials and colors, building scale and massing, fenestration, roof forms, and signage design.
- (6) Following Planning Board approval of a special permit for an Integrated Plan, permit applications relying upon that Plan shall require site plan review by the Planning Board under the provisions of Article 9- Site Plan Approval. The Planning Board shall approve such site plan provided that it is consistent with the approved Integrated Plan, and consistent with the provisions of this Article 20. A site plan shall not be found consistent unless each of the following is met.
- (a) The uses proposed are consistent with those of the Integrated Plan in type and extent.
 - (b) Although locations of individual buildings, parking, and open space may have been modified subsequent to Integrated Plan approval, the general scheme is unaltered, and all of the applicable use and dimensional regulations have been met.
 - (c) Means have been established to assure compliance with special provisions stipulated at Article 20E. (3)(g).
- (7) A revised Integrated Plan that is not inconsistent with the one earlier approved by special permit may gain approval by amendment of that special permit by the Planning Board following its public hearing and review incident to Site Plan Approval.
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