



Sutton/Millbury 122A PDA (PDA# 290-6) Technical Assistance Report

**Prepared for the
Towns of Sutton and Millbury**

Purpose of Analysis

The Sutton/Millbury 122A PDA was initially identified as the “Providence & Worcester (P&W) Transit-Oriented Development (TOD) Priority Development Area” within the 2012 Blackstone Valley Prioritization Project (PDA #290-6) by the Town of Sutton. On February 10, 2014 CMRPC received letters of interest from the Towns of Sutton and Millbury seeking technical assistance from CMRPC with regards to lands on the border of both communities that generally correlate to the location of PDA# 290-6 in the area of Route 122A (Providence Road). Based on the two towns’ submittal, CMRPC Staff worked with each community to develop a single PDA Assessment that covers this geographic area. This assessment, which is in accordance with the Scope of Services, follows. Priority Development Areas (PDAs) are areas within a municipality that have been identified as capable of supporting additional development or as candidates for redevelopment. These are areas on which a town is focusing its energy to promote thoughtful economic development that is closely tied to the community’s goals.

PDA assistance projects are intended as a “next step” following the completion of a prioritization project. Planning funds from the District Local Technical Assistance (DLTA) Program support the effort and up to 25 hours of technical assistance may be provided to each interested community. Specifically, the objective of this program is to provide participating communities with a packet of information for a PDA that can be used to guide them in identifying possible zoning changes, development of a Chapter 43D application¹ or other grant applications (MassWorks; DHCD’s Downtown Technical Assistance), promotion to developers, as a template for future analysis of additional PDAs, etc. CMRPC staff worked with each participating community to ensure that the technical assistance provided was tailored to the town’s specific needs.

Study Area Selection

The Towns of Sutton and Millbury were approved through DLTA PDA Analysis project programming for up to 25 hours for this project. Since each PDA in the respective communities shares a boundary with the PDA project in the other community, the approach for this scope was to assess each PDA as one single project, to be referenced as the Sutton/Millbury Route 122A PDA, and so CMRPC assigned up to

¹ www.mass.gov/hed/business/licensing/43d. CMRPC Staff notes that on September 17, 2014 the State’s Interagency Permitting Board (IPB) approved the Route 122A PDA as a 43D Priority Development Site (PDS) in both towns: <http://www.mass.gov/hed/business/licensing/43d/who-is-it/>.

25 hours for the project. CMRPC Staff, Christopher J. Ryan, CDAP Program Manager, developed the Scope of Services and assisted in the Project Development and review of the initial Draft Report; Eric R. Smith, Principal Planner, acted as Project Manager to complete this Project according to the various agreed to Scope of Services tasks. Dominique DuTremble, Planning Assistant, led the development of the marketing brochure.

This project was designed to provide data and recommendations for the two towns to assist in marketing the properties for development or redevelopment. The towns requested that CMRPC Staff focus the DLTA technical assistance time on providing an assessment of current conditions with consideration of current opportunities and constraints, assist the two towns in the development and deployment of marketing tools, including how to potentially market the Route 122A PDA as a single development opportunity, and consider other tools such as zoning and design guidelines to facilitate development and remove unnecessary constraints. Specifically the project tasks were completed as follows:

1. Conducted a site visit and took photographs. Developed comprehensive description of current conditions for the PDA site and surrounding area as it may influence development opportunities on site. Prepared a set of current conditions maps and analyzed any prior reports for background.
2. Developed a comprehensive description of opportunities and constraints for the site both at the macro and micro scale.
3. Developed specific recommendations and mechanisms for facilitating site development such as:
 - a. Marketing Tools: (this shall include a final copy of the PDA analysis report plus brochure and recommendations for other media);
 - b. Design: The towns have noted that design is a very important factor in development or redevelopment of this area. Recommendations were developed for appropriate design guidelines that will meet these goals but do not serve as another obstacle for marketing and development.
4. Developed a comprehensive PDA analysis report to include all elements developed above, photographs, and maps.
5. Prepared a marketing brochure (electronic) to draw attention to the PDA and its benefits and features. Brochure should be targeted to potential investors, existing property owners, prospective business startups, and potential business expansion or relocation opportunities.

Task 1: Site Visit / Photographs / Maps: On August 6, 2014 CMRPC Staff visited the site with the Planning Directors from both communities. Steve Landry of Aggregate Industries provided a tour of their property. Rainy conditions and the large acreage associated with the Aggregate property meant that most of the site visit was conducted by vehicle. CMRPC Staff took a series of photographs, which have been integrated into marketing brochures as appropriate. All of the photos have been provided to the two communities in electronic format for further use as deemed fit.

Task 1a) Comprehensive description of current conditions for the PDA site and surrounding area as it may influence development opportunities on site:

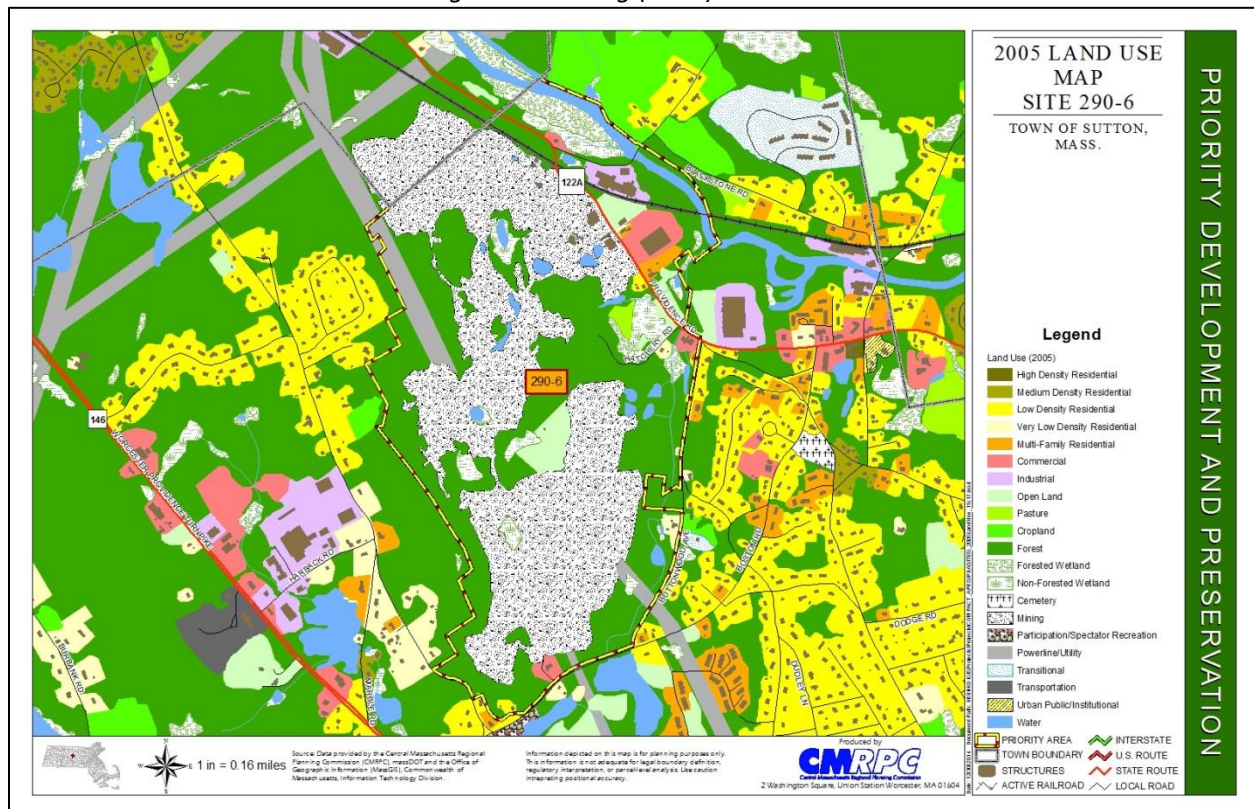
The Route 122A PDA totals 518.39 acres between the two towns, as indicated in Table 1 below. Of the total acreage 437.62 acres are in the Town of Sutton (84.4%) with the remaining 80.77 acres in the Town of Millbury (15.6%).

Table 1: Acreage of the Route 122A PDA

Community	Acres	Percent of Total
Town of Millbury	80.77	15.6%
Town of Sutton	437.62	84.4%
Total	518.39	100%

Land Use: A review of the existing land use, based on 2005 MassGIS data, shows that a majority of the land use acreage associated with the 122A PDA is the earth removal operations associated with the Aggregate Industries properties, though this facility is now largely inactive, as noted below in the ownership discussion. The earth removal operations of Worcester Sand and Gravel are still active. Other land uses of the PDA include the forested lands that surround the formerly mined areas, a couple of commercial clusters (the first is in the area of Providence Road and Buttonwood Avenue within the Town of Sutton that includes Triola Brothers Materials business; the second is in the Town of Millbury that includes the Lewcott Corporation (AKA Barrday Composite Solutions)’s facility. See Figure 1 for the 2005 land use as of the 122A PDA and surrounding areas.

Figure 1: Existing (2005) Land Use



Ownership:

Of the 80+ acres in Millbury, approximately 40 acres are owned by AGGREGATE INDUSTRIES, which is wrapping up an earth removal/processing operation at the site. Another 40+/- acre are owned by Lewcott Corporation (AKA Barrday). Aggregate Industries also owns +/- 297 acres in the Town of Sutton that are incorporated in the 122A PDA area. A complete list of the approximately 70 parcels that are included within the Route 122A are included within Appendix A of this Report.

Zoning:

Zoning of the PDA consists of three zoning districts: 1) Industrial-1 District - 80+ acres within the Town of Millbury (the Town of Millbury rezoned their portion of the Route 122A PDA to I-1 from Business I/Suburban II in 2013), 2) Office-Light Industrial (OLI) District- approximately 2/3 of the Town of Sutton's acreage and 3) Residential- Rural (R-1) District - the remaining portion of Sutton's acreage. The R-1 District is located to the rear of the industrial districts on the west side of the Route 122A PDA. See Appendix B for a more detailed document that assesses the various uses and dimensional requirements of these three (3) zoning districts.

Note that the R-1 District is clearly incompatible with future economic development opportunities of the PDA and a consideration for rezoning to a more appropriate commercial/industrial zone is a key recommendation of this PDA Assessment. The Sutton Planning Director noted that Town of Sutton will be supportive of future rezoning but it will be dependent on what mix of land uses/type of development a developer proposes. The Town is also supportive of the idea of a mixed use development such as a commercial-residential mix. CMRPC recommends a zoning change such as Planned Unit Development (PUD) or a similar mixed-use and smart growth-based zoning to allow for the mixed-use development option. The Town of Ashburnham is an example of a community that adopted PUD zoning that is an overlay over an area of the community they wished to encourage mixed-use development.

For Sutton's Office – Light Industrial (OLI) zoning district, the Town of Sutton rezoned this area at the October 21, 2013 Town Meeting from Industrial zoning.

Constraints:

CMRPC GIS Analyst, Matt Franz, assisted in the mapping and analysis of the various constraints that are found within the Route 122A PDA. The maps are further described below and included within this Report as referenced accordingly. A set of each map at 11" x 17" was provided to each community in PDF format as well. Below in Table 2 is the set of constraints, both in acreage and percentage of the total acreage, of the 122A PDA.

Table 2: Constraints within the Route 122A

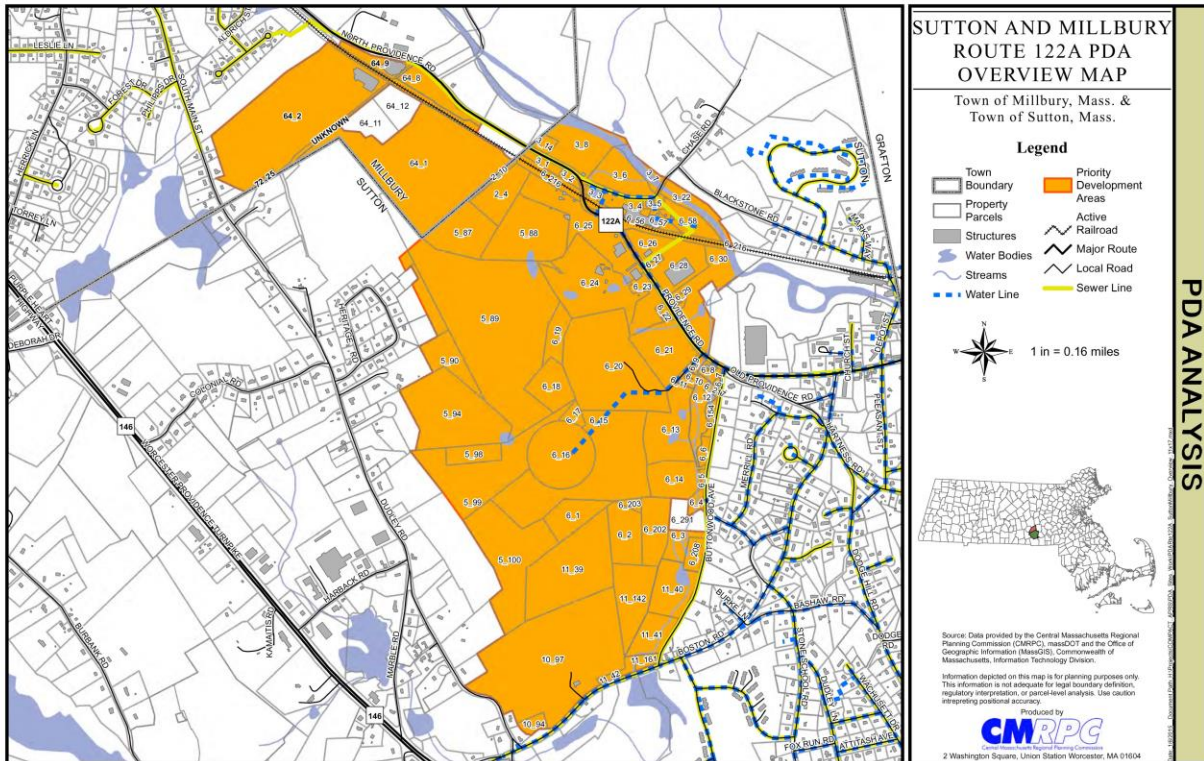
Acres	Features	% of total of the PDA
27.93	Acres that are Wetlands	5.34%
24.81	Acres that are part of the Wetlands Buffer	4.75%
24.80	Acres that contain "Steep Slopes" (Slopes 25% and Greater)	4.74%
77.54	Total Acres with a form of constraint	14.83%

Thirty-seven (37) acres of this PDA site is included within a power line right-of-way (ROW) and associated easement. There are two such power lines in this PDA; the largest is the one that runs north to south; with a second that goes generally east to west over the Aggregate Industries parcel in the Town of Millbury. For the larger north to south power line, it is located on the western portion of this PDA. The power lines are visible on the land use map in Figure 1.

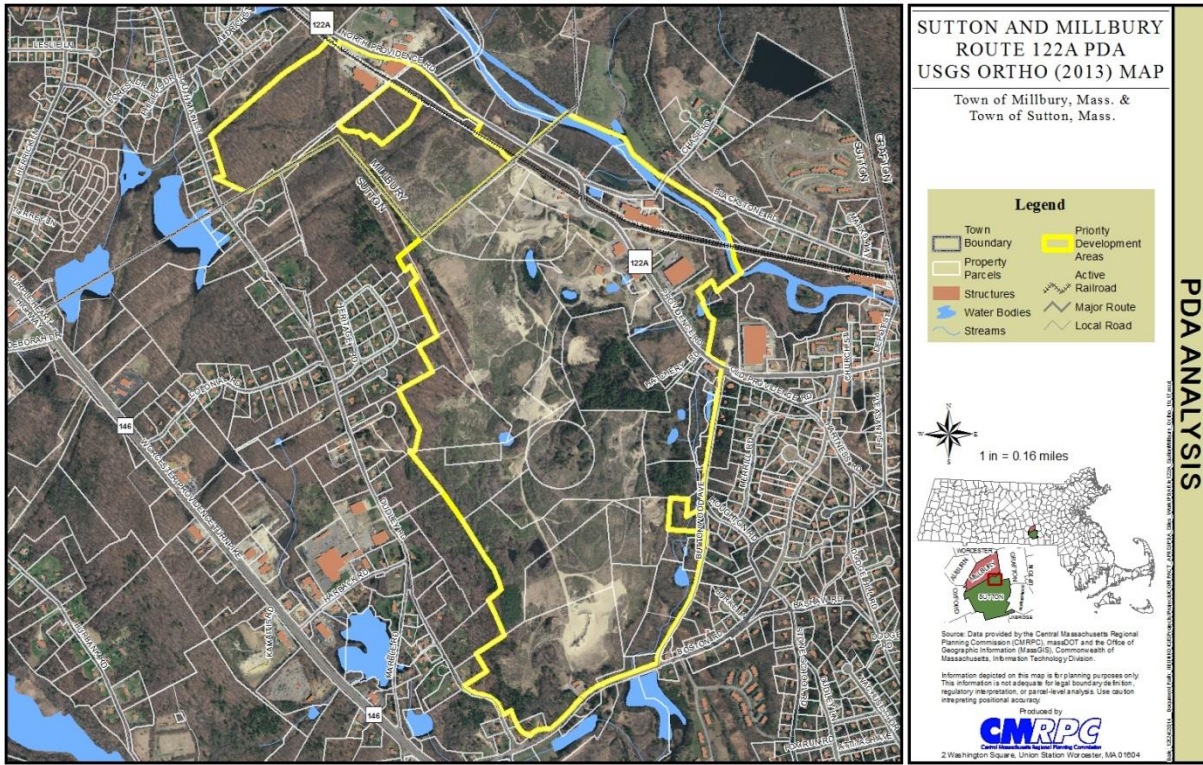
Task 1b) Provision of a set of current conditions maps. Analyze prior reports for background.

GIS Analyst Matt Franz assisted in the development of a set of current conditions maps making use of CMRPC GIS. The set of maps were as follows: a) Overview Map, b) Orthophoto Map, c) Zoning Map, d) Constraints Map and e) Environmental Map. CMRPC Staff are not aware of any prior reports to assist in background information for this PDA.

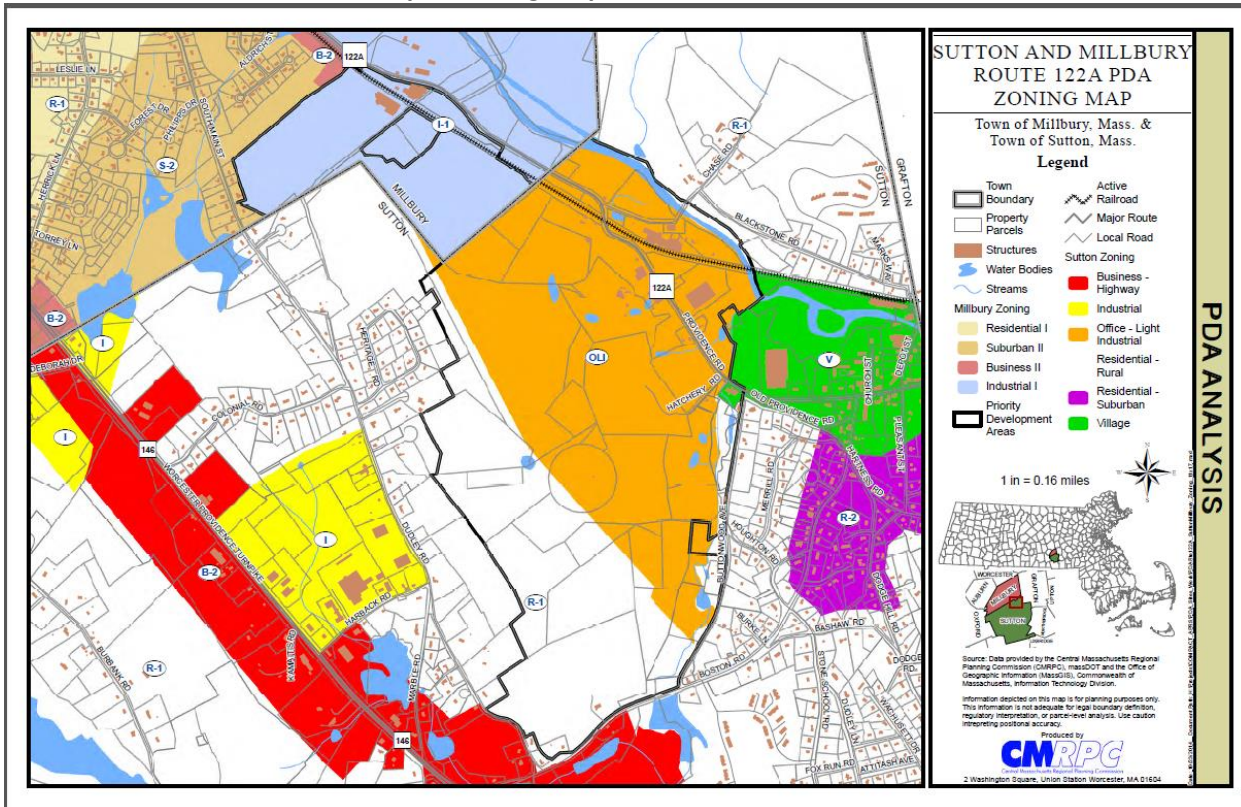
Map 1: Overview Map of the Route 122A PDA



Map 2: Orthophoto Map of the Route 122A PDA



Map 3: Zoning Map of the Route 122A PDA



Task 2: Develop a comprehensive description of opportunities and constraints for the site both at the macro and micro scale

Fortunately, there are no major environmental constraints preventing additional development within the Route 122A PDA. As indicated in Map 4 and 5 on the following page, the Zone II associated with the Town of Sutton's drinking water well resource and the Cold Brook Spring and associated River Protection Act jurisdiction area are the most significant environmental constraints within PDA overall.

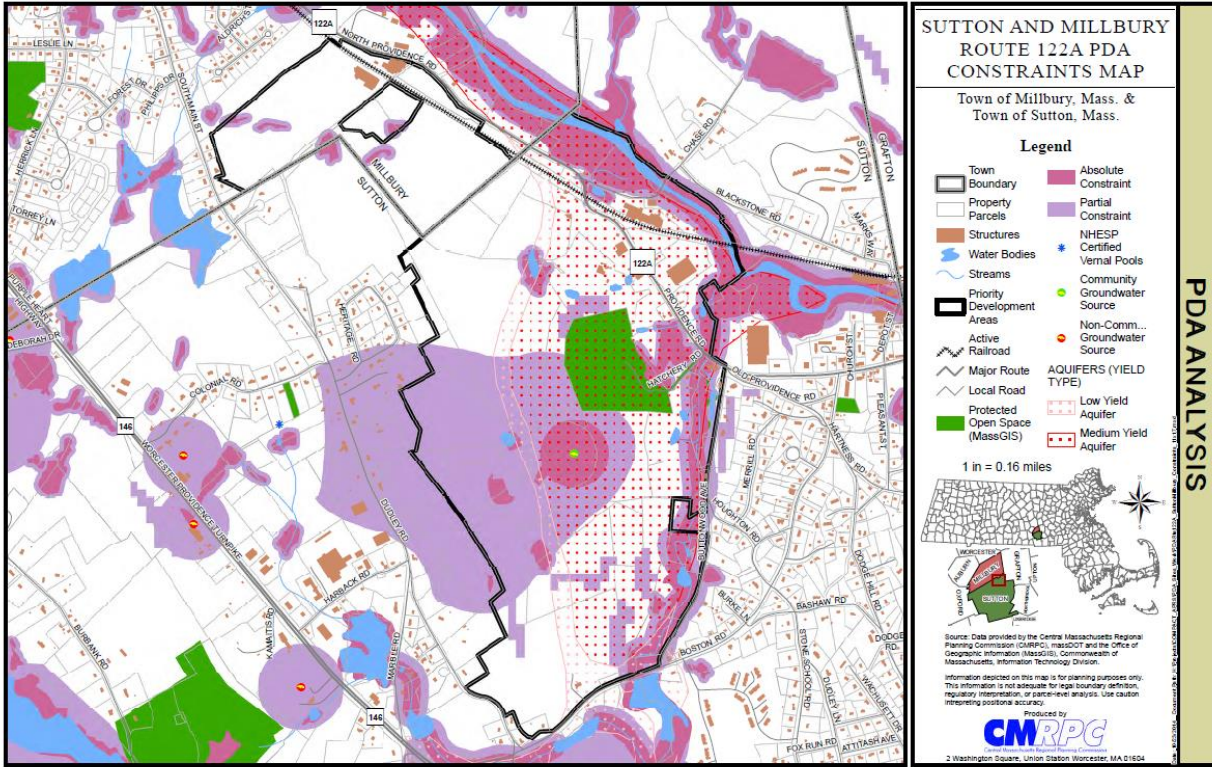
Infrastructure: Given this PDA consists of two municipalities (Millbury and Sutton); infrastructure availability does differ by municipality. Millbury has both sewer and water services but they end at the Lewcott business and constitute the end of the line for both. However, the Landscaping Etc. business, located diagonally across the street at 145 Providence Street, is currently going through site plan review to build a warehouse/garage. This project would involve extending water and sewer service to serve this building. Coupled with an abutting property on the same side of the street as Landscaping Etc. planning a self-storage facility, the Town of Millbury is encouraging both businesses to work together to extend the mains in a way that will adequately service both uses. Landscaping Etc. wants to extend water service by connecting to the existing 12" water line with an 8" water main extension.

Millbury's Aggregate parcels do not currently have sewer and water service. Although the utilities will be further extended as part of the Landscaping Etc. project, they will likely have to be upgraded to handle industrial development on this property. Natural gas extends to the Sutton Town Line, at a minimum. Broadband services are readily available to all Millbury properties, including those parcels within the Town's portion of the Route 122A PDA. Finally, Providence Street has 3-phase power.

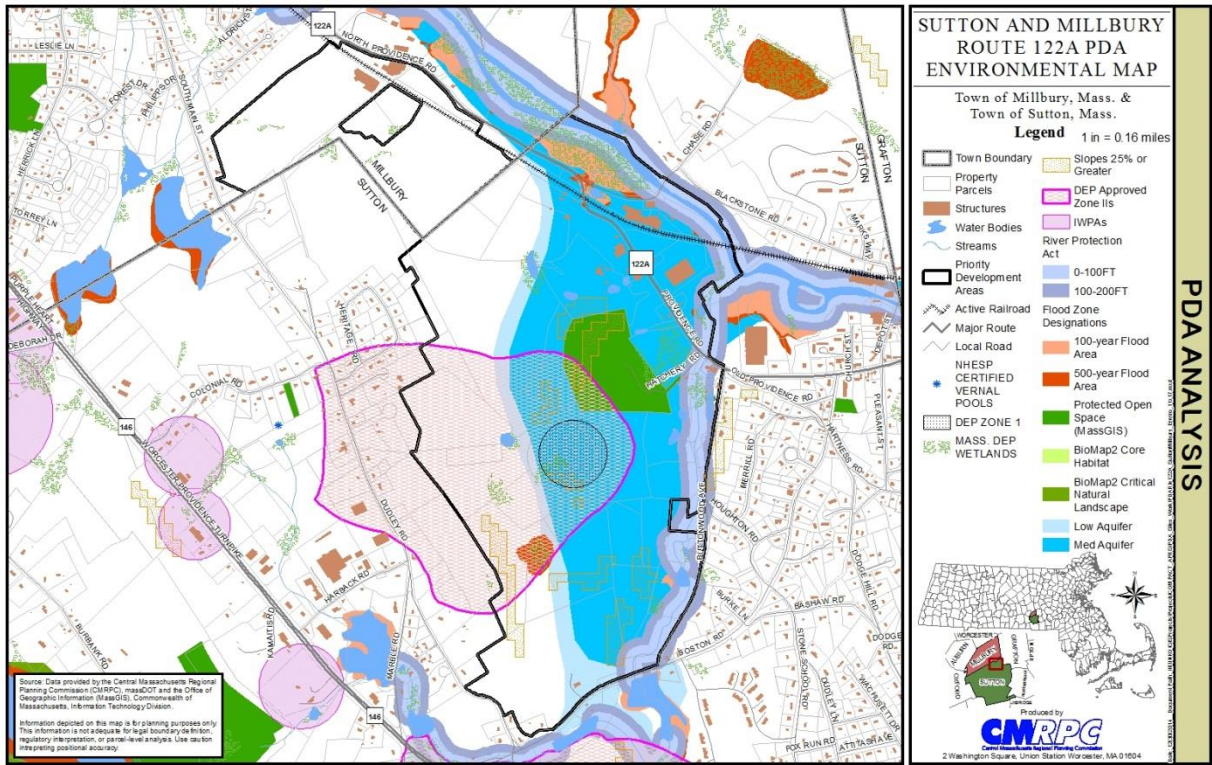
Water service is available in the Town of Sutton along Providence Road and Boston Road. Sewer service is available along Providence Road, Boston Road, and Buttonwood Avenue. Water and sewer would have to be installed within the Aggregates lands to service development internal to that site. Natural gas is available on the Town of Sutton along Route 122A, adjacent to the PDA site. Broadband services are available to service properties on the Sutton's portion of the Route 122A PDA. National Grid has three-phase 13.8kV overhead service available along Route 122A, Buttonwood Avenue and Boston Road in Sutton.

MassWorks grant funding represents one potential source of funding to help facilitate infrastructure development in this PDA.

Map 4: Constraints Map of the Route 122A PDA



Map 5: Environmental Map of the Route 122A PDA



A summary of the opportunities and constraints for the Route 122A are as follows:

- Two (2) landowners own a significant percentage of the total acreage. (+/-377 acres of the total 518.39 acres or 72.7%). This could facilitate development more easily as property acquisition negotiations are minimized. This represents an opportunity for easy land assembly and should be marketed as such.
- There are no significant environmental constraints for the PDA as a whole. For example, two of the largest Millbury parcels were identified as sites with few environmental constraints based on the analysis prepared for the Worcester Regional Freight-based Economic Development Site Selection Project.
- A summary of the environmental constraints that do exist are as follows:
 - Wetlands: 27.93 acres, or 5.34% of the Route 122A PDA land area (these are absolute development constraints)
 - Regulated Wetlands Buffer Areas: 24.81 acres, or 4.75% of the Route 122A PDA land area (these represent a partial development constraint)
 - "Steep Slopes" (Slopes 25% and Greater): 24.80 acres, or 4.74% of the Route 122A PDA land area (these represent a partial development constraint).
- The Power Line Easement ROW and High Tension lines act as a development constraint, but they are also an opportunity to buffer future development from the existing residential development to the east of Dudley Road in Sutton and to the west on Captain Peter Simpson Road in Millbury. Given the interest in providing walkable communities, future development in this PDA could provide for a walking path under the high tension power lines. This concept has been implemented in other communities, as CMRPC Staffer Eric R. Smith visited and walked such a path within a development in Irvine, California. An example of such a walking path is provided in Figure 2 below.

Figure 2: Walking Path along a High Tension Power Line



- Freight Rail Access: The site contains an existing spur of the Providence & Worcester Railroad's main line between Providence, RI and Worcester, MA. According to Charles D. Rennick, General Counsel, of P&W Railroad: *"The switch to this property is active and we consider this a very good site for rail use/development."*
- As was noted within the zoning discussion on page 4, Sutton's existing residential zoning scheme within their portion of this PDA poses a constraint to full economic development potential at built out, as about a 1/3 of Sutton's lands within this PDA are zoned residential. However, the Town of Sutton has stated they do not want to rezone unless they support a proposed project. In addition, the Town has noted its support for mixed use here.

Task 3) Develop specific recommendations and mechanisms for facilitating site development such as:

- a. Marketing Tools: (this shall include a final copy of the PDA analysis report plus brochure and recommendations for other media);

CMRPC Staff provided the Towns of Sutton and Millbury with a marketing brochure for the Route 122A PDA. Included within the brochure are the following bulleted summary points that each community can use to help market the Route 122A PDA Site.

- Subject Site = 519 acres (81 acres in Millbury / 438 acres in Sutton)
- Two owners (Aggregate Industries and Lewcott Corporation) own 72.7% of land within the Subject Site
- Zoning: Recently rezoned Industry-1 in the Town of Millbury; Mix of Office-Light Industrial and Residential-1 in Town of Sutton (Town of Sutton would be supportive a mixed-use development in their 122A PDA lands)
- Allowed Uses: In Millbury, building materials or construction equipment sales or storage, building tradesmen and contractors; light manufacturing, warehousing, wholesale distribution not involving bulk storage, research and development, freight or transportation terminal. In Sutton, residential, church, agricultural, continuing care retirement communities, nursing home, veterinary/kennel, personal service establishments, motion picture establishment and commercial recreation, railroad and railway express service, warehousing, commercial parking, other non-industrial accessory uses, small and large solar photovoltaic installations; business and professional office, research and development, retail stores, restaurants, hotels and motels, hospital/medical clinic, repair services, educational establishments which are not non-profit, trucking services and warehousing, manufacturing, processing, landscape contractors, and research and development.
- Utilities: Natural gas, water, and sewer adjacent to the site.
- Freight Rail Access: Site is served by an active rail spur along the main branch of the Providence & Worcester Railroad.
- Driving Distance:
 - To Route 146 / Route 20 / I-90 – 3.5 miles
 - To I-290 and I-395 – 6.5 miles
 - To I-495 – 11 miles
 - To Worcester – 8 miles
 - To Providence – 33 miles

In addition to distributing the brochure within each community, CMRPC Staff suggests that each town work with the Blackstone Valley Chamber of Commerce (BVCoC) to distribute the brochure to existing businesses and also as part of business recruitment efforts. The Worcester Regional Chamber of Commerce has a staff person dedicated to business recruitment and may be able to assist in the recruitment effort, especially to potential business/users that could benefit from the large acreage associated with the Route 122A PDA.

The BVCoC's website: <http://www.blackstonevalley.org/>. Contact person: Jeannie Hebert, President and CEO, Blackstone Valley Chamber of Commerce, email address: jhebert@blackstonevalley.org, 508 234 9090 X106 (ph).

The WRCC website <https://www.worcesterchamber.org/>. Contact person: Sherri G. Pitcher, Director of Business Recruitment. Email address: spitcher@worcesterchamber.org; Phone #: 508.753.2924, ext. 226.

Finally, due to the site's designation as a Priority Development Site under MGL Chapter 43D on September 17, 2014, the 122A PDA site can benefit from marketing as part of the Commonwealth of Massachusetts's state-wide economic development efforts.

- b. *Zoning: (Consideration of underlying and overlay zoning appropriateness and identification of any barriers/lack of sufficient incentives to development from these mechanisms.)*

The Town of Sutton is interested and supportive of a mixed use development in their portion of the Route 122A. CMRPC recommends the Town develop a zoning provision to allow for the mixed-use development option. Such zoning could be achieved via a Planned Unit Development (PUD) zoning bylaw or a similar mixed-use and smart growth-based zoning bylaw provision to allow for the mixed-use development option. For example, the Town of Ashburnham adopted PUD that is an overlay district over an area of the community they wished to encourage mixed-use development. The Ashburnham PUD Bylaw is provided as Appendix C. CMRPC Staff did not observe anything within the Town of Millbury's zoning scheme for the site (I-1) that would hinder development.

- c. *Design: (The towns have noted that design is a very important factor in development or redevelopment of this area. Develop recommendations for appropriate design guidelines that will meet these goals but not serve as another obstacle for marketing and development.)*

CMRPC Staff notes that our 25-hour technical assistance effort did not allow for development of detailed recommendations regarding appropriate design guidelines. Each Town could apply for additional DLTA assistance in 2015 or consider use of their Local Planning Assistance (LPA) hours for this assistance. However, we have identified a number of resources, including one directly related to the Blackstone Valley, that each town can review further to assist in the development of appropriate design guidelines. A summary of each of these resources is provided for below.

- *The Design Review Manual: A Guide for the Blackstone River Valley*, was prepared by the Blackstone Valley Institute in March 2003. Though now over 10 years old, this document still represents an excellent resource for both communities to address the design considerations they consider so important. As noted on page 1 of this Guide:

*“Many communities in the Blackstone Valley are growing at rapid rates and face the challenge of ensuring that new development is compatible with the established character of their historic villages and neighborhoods. Several types of regulations can play a role in shaping the appearance of new structures, uses, and signs, including designation of local historic districts, review of site plans, and implementation of design review. This guide provides Valley communities with general information on how design review works, and how to begin a local design review process. **Design guidelines developed through a consensus-building public process and with professional expertise can be an effective tool for shaping community character** (emphasis added).*

The Guide provides reference to a set of Design Guidelines adopted by the Town of Franklin. We summarize this set below, given that they have developed a set of guidelines for areas being targeted for new development, which is similar to the Route 122A PDA. A second set of Design Guidelines provided for reference is the Town of Sturbridge’s *Design Review Committee Handbook and Design Guidelines*.

- The Town of Franklin’s *Design Review Commission’s Design Guidelines* were prepared by The Cecil Group, Inc. in August 2005. Within “Part III – Specific Design Guidelines” on page III-10 is a set of design guidelines that were tailored to the Town of Franklin’s commercial corridors including *“the areas currently experiencing the greatest commercial activity (that) are located along Route 140 and around the two major industrial parks in Franklin - Forge Park and Franklin Industrial Park.”* The Town had noted how. *“...continued development of these areas could result in a hodge-podge of incompatible buildings and uses, or, with careful planning, could result in attractive and usable ‘gateways’ to the Town, which can be sources of pride to the entire community.* CMRPC notes the similarity of the Route 122A PDA acting as a gateway to each respective community. The Town notes their objective *“...to reconcile the architecture of the new ‘gateway’ commercial areas, King Street/Route 495 and West Central Street/Forge Park, with the rural character that already exists throughout the Town. Orderly streetscape patterns, small and clustered scale, vernacular building forms, materials and details, appropriately sized signage and thoughtful landscaping can all contribute to the rural context.”*

Accordingly the Town of Franklin developed design guidelines that address the following development considerations:

- Site planning and layout, including parking
- Site design and landscaping, including pedestrian amenities
- Building design, including exterior materials.

Both the Town of Millbury and Town of Sutton could adopt similar design guidelines for future development in the Route 122A PDA to follow. The design guidelines could then be applied during site plan reviews and special permit applications submitted to each community. By integrating the design review process with existing permitting processes, they would not serve as an obstacle to marketing and development. The specific commercial corridor design guidelines are found on pages III-11 to III-16.

The Town of Franklin’s Design Guidelines can be found at:

http://town.franklin.ma.us/Pages/FranklinMA_Planning/designdocuments/guidelines.PDF

- The Town of Sturbridge’s “Design Review Committee Handbook and Design Guidelines” were adopted in March 2011 and prepared with consultant assistance, Planning Staff and volunteers from the Town’s Planning Board and Design Review Committee. Section 4.2 of the Design Guidelines (page 35) addresses the Town’s Commercial Corridors by providing a similar set of design guidelines that the Town of Franklin developed for its commercial corridors.

Within Section 4.2, there are eleven (11) general design guidelines that applicants must take into consideration per Section 2.3 of the Design Review Guidelines. These are:

- 1) Site Planning
- 2) Parking layout, including buffers and pedestrian considerations
- 3) Perimeter buffers around commercial development where they abut the street or residential uses
- 4) Pedestrian access and connection considerations
- 5) Site lighting (light pole height, designed to minimize spillage to adjacent properties)
- 6) Site lighting (internal to the site, bright enough to provide security)
- 7) Signage (individual tenants)
- 8) Architectural details
- 9) Building layout (especially for larger buildings)
- 10) Freestanding Signs (e.g. directory signs) and
- 11) Signage placement considerations

Finally, *“Applicants are encouraged to discuss their projects with the Planning Department if they have any questions regarding the Design Review Guidelines.”* A copy of the Town of Sturbridge’s Design Review Committee Handbook and Design Guidelines can be found at: http://www.town.sturbridge.ma.us/Public_Documents/SturbridgeMA_Depts/S02FE9296-02FE92DF.0/Guidelines_adopcted_03_22_11.pdf

Board of Selectmen

4 Uxbridge Road

Sutton, MA 01590



Site Development Opportunity

Route 122A Priority Development Area

Millbury—Sutton, MA



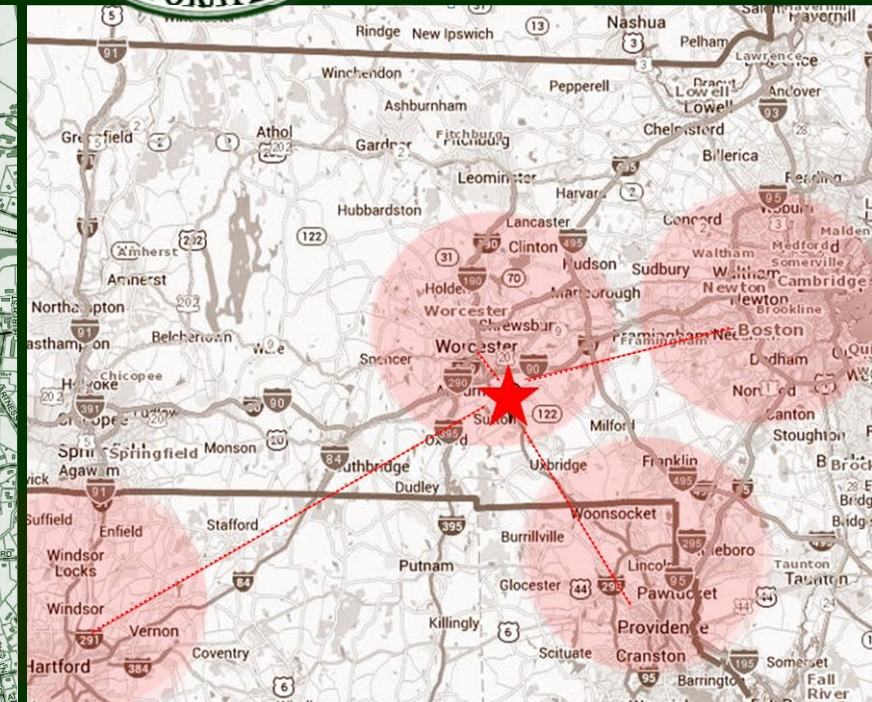
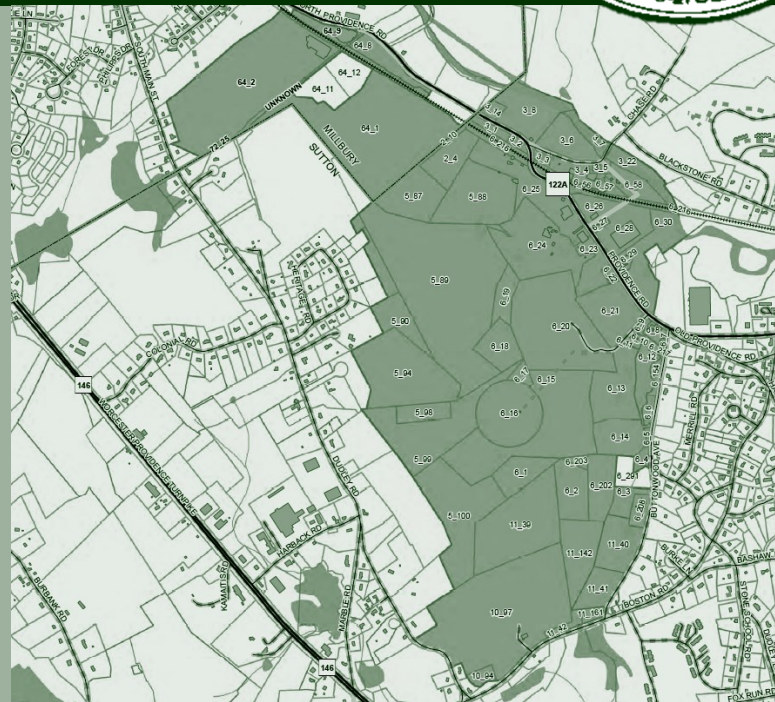
For more information, contact:



James Smith
Sutton Town Administrator
(508) 865-8720
j.smith@town.sutton.ma.us



Bob Spain
Millbury Town Manager
(508) 865-4710
bspain@townofmillbury.net



UNPARALLELED OPPORTUNITY

The Region's most developable site, the Route 122A PDA offers space, metropolitan proximity, freight rail access, and more. Offering gentle topography, easy site assembly, and pro-business policies makes this area a don't miss opportunity.

- 519 acres
- Supports mixed-use development
- Served by active rail spur (P&W)
- Natural gas, water, sewer, broadband, & 3-phase power adjacent to the site
- Easy site assembly (two primary owners)
- Motivated sellers
- No significant environmental constraints
- Single-payer tax rate
- Quick review: Site is an approved MGL Ch. 43D Priority Development Site



Millbury (81 acres)

Potential uses include:

- ◆ Warehousing, manufacturing, processing
- ◆ Research & Development
- ◆ Wholesale distribution, transportation terminal
- ◆ Education or medical facility
- ◆ Personal services, restaurant

Sutton (438 acres)

Potential uses include:

- ◆ Warehousing, manufacturing, processing
- ◆ Commercial parking, repair services
- ◆ Businesses, offices, R&D
- ◆ Commercial recreation,
- ◆ Retail, restaurants, hotels/motels
- ◆ Educational, medical, veterinary institutions

VIBRANT REGION

Population:

Millbury- 13,261
Sutton- 8,963
Worcester County- 798,552

Distance:

Rte. 146/20/ I-90- 3.5 miles
I-290 & I-395- 6.5 miles
I-495- 11 miles
Worcester- 8 miles
Providence- 33 miles
Boston- 45 miles

Located in the Blackstone River Valley National Heritage Corridor, Millbury and Sutton Mass. are part of the Worcester -Metro Area- home to 799,000 people. Millbury is on the forefront of development, resulting from multi-million dollar highway connections and improvements. The Shoppes at Blackstone Valley provide over 750,000 SF for shopping and dining. A picturesque, bedroom community, Sutton hosts firms such as Atlas Box, CARQUEST, Polyvinyl, and others.



Cordis Mills Residential Development



Blackstone River Bikeway



The Shoppes at Blackstone Valley



South Sutton Industrial Park



Mixed Commercial Development

Appendix A:

Parcels within the Route 122A PDA

Appendix A: Parcels within the Route 122A Priority Development Area (PDA)

Object ID	Parcel ID	Lot Size (Acres)	Use Code	Parcel Address	Town	Property Owner	ZONING
3646	6_1	3.86	4100	37R BUTTONWOOD AVE	Sutton	AGGREGATE INDUSTRIES	R1
351	11_42	1.41	1300	96 BOSTON RD	Sutton	AGGREGATE INDUSTRIES	R1
190	11_161	0.95	1310	90 BOSTON RD	Sutton	AGGREGATE INDUSTRIES	R1
3758	6_23	4.73	316I	71 PROVIDENCE RD	Sutton	AGGREGATE INDUSTRIES	I
177	11_142	10.10	4100	92R BOSTON RD	Sutton	AGGREGATE INDUSTRIES	R1
349	11_39	18.12	4100	100R BOSTON RD	Sutton	AGGREGATE INDUSTRIES	R1
3174	5_100	18.00	4100	54R DUDLEY RD	Sutton	AGGREGATE INDUSTRIES	R1
3284	5_87	10.00	4100	123R PROVIDENCE RD	Sutton	AGGREGATE INDUSTRIES	I
3285	5_88	11.00	4100	91R PROVIDENCE RD	Sutton	AGGREGATE INDUSTRIES	I
3286	5_89	50.77	4100	81R PROVIDENCE RD	Sutton	AGGREGATE INDUSTRIES	I
3288	5_90	6.00	4100	98R DUDLEY RD	Sutton	AGGREGATE INDUSTRIES	R1
3290	5_94	18.89	4100	82R DUDLEY RD	Sutton	AGGREGATE INDUSTRIES	R1
3293	5_98	2.98	4100	72R DUDLEY RD	Sutton	AGGREGATE INDUSTRIES	R1
3294	5_99	32.11	4100	64 DUDLEY RD	Sutton	AGGREGATE INDUSTRIES	R1
3710	6_18	4.91	4100	61R PROVIDENCE RD	Sutton	AGGREGATE INDUSTRIES	I
3719	6_19	2.97	4100	71R PROVIDENCE RD	Sutton	AGGREGATE INDUSTRIES	I
3728	6_2	6.00	4100	35R BUTTONWOOD AVE	Sutton	AGGREGATE INDUSTRIES	I
3769	6_24	12.67	410C	75R PROVIDENCE RD	Sutton	AGGREGATE INDUSTRIES	I
3780	6_25	12.16	410C	105 PROVIDENCE RD	Sutton	AGGREGATE INDUSTRIES	I
133	10_97	49.00	410I	100 BOSTON RD	Sutton	AGGREGATE INDUSTRIES	R1
3740	6_21	7.16	440V	53 PROVIDENCE RD	Sutton	AGGREGATE INDUSTRIES	I
3732	6_202	5.56	4410	33R BUTTONWOOD AVE	Sutton	AGGREGATE INDUSTRIES	I
1320	2_10	0.69	4420	127R PROVIDENCE RD	Sutton	AGGREGATE INDUSTRIES	I
1323	2_4	6.03	4420	125R PROVIDENCE RD	Sutton	AGGREGATE INDUSTRIES	I
1901	3_1	0.90	4420	125 PROVIDENCE RD	Sutton	AGGREGATE INDUSTRIES	I
1906	3_14	0.98	3900	124 PROVIDENCE RD	Sutton	DILEO GAS INC	I
130	10_94	1.33	1010	122 BOSTON RD	Sutton	DOIRON MARCEL	R1
1922	3_3	0.43	316I	81 BLACKSTONE ST	Sutton	ONE BLACKSTONE STREET LLC	I
1924	3_4	3.46	4000	71 BLACKSTONE ST	Sutton	ONE BLACKSTONE STREET LLC	I
1925	3_5	0.70	4000	69 BLACKSTONE ST	Sutton	ONE BLACKSTONE STREET LLC	I
3850	6_58	3.30	403	65R BLACKSTONE ST	Sutton	ONE BLACKSTONE STREET LLC	I
1915	3_22	3.66	403V	63 BLACKSTONE ST	Sutton	ONE BLACKSTONE STREET LLC	I
3848	6_56	0.02	403V	69R BLACKSTONE ST	Sutton	ONE BLACKSTONE STREET LLC	I
3849	6_57	2.81	403V	71R BLACKSTONE ST	Sutton	ONE BLACKSTONE STREET LLC	I
1927	3_7	2.05	4420	64 BLACKSTONE ST	Sutton	ONE BLACKSTONE STREET LLC	I
4175		0.49	1040	69 BUTTONWOOD AVE	Sutton	PELKEY JOAN F	R1

Appendix A: Parcels within the Route 122A Priority Development Area (PDA)

Object ID	Parcel ID	Lot Size (Acres)	Use Code	Parcel Address	Town	Property Owner	ZONING
3869	6_8	1.02	316I	47 PROVIDENCE RD	Sutton	PELLATT HOWARD	V
3745	6_216	9.98	9750	1 BLACKSTONE ST	Sutton	PROVIDENCE & WORCESTER RR	R1
1928	3_8	8.40	3320	112 PROVIDENCE RD	Sutton	RANO FRANK	I
3812	6_28	6.66	4000	68 PROVIDENCE RD	Sutton	S RALPH CROSS & SONS INC	I
3738	6_208	1.84	1010	33 BUTTONWOOD AVE	Sutton	SHIH PEI PEI	R1
4201		11.12	1310	25 BUTTONWOOD AVE	Sutton	SHIH PEI PEI	R1
3823	6_3	2.46	1320	35 BUTTONWOOD AVE	Sutton	SHIH PEI PEI	R1
1912	3_2	0.59	9300	113 PROVIDENCE RD	Sutton	TOWN OF SUTTON	R1
3705	6_17	2.15	9300	34 HATCHERY DR	Sutton	TOWN OF SUTTON	I
3729	6_20	22.93	9300	14 HATCHERY DR	Sutton	TOWN OF SUTTON	I
4172		2.06	9300	51 PROVIDENCE RD	Sutton	TOWN OF SUTTON	I
1926	3_6	5.65	9306	72 BLACKSTONE ST	Sutton	TOWN OF SUTTON	I
3791	6_26	2.78	3250	80 PROVIDENCE RD	Sutton	TRIOLA DOMENIC P	I
3748	6_22	0.56	1090	65 PROVIDENCE RD	Sutton	VAILLANCOURT ROLAND D JR	I
3821	6_29	0.60	1110	66 PROVIDENCE RD	Sutton	VAILLANCOURT RONALD J	I
3824	6_30	8.34	440V	60 PROVIDENCE RD	Sutton	VAILLANCOURT RONALD J	I
3701	6_16	11.54	9383	40 HATCHERY DR	Sutton	WILKINSONVILLE WATER DISTRICT	I
4173		0.68	1010	7 HATCHERY DR	Sutton	WILSON PETER J	I
3844	6_5	0.37	1010	47 BUTTONWOOD AVE	Sutton	WORCESTER SAND & GRAVEL CO INC	R1
3834	6_4	1.16	1300	39 BUTTONWOOD AVE	Sutton	WORCESTER SAND & GRAVEL CO INC	R1
3695	6_154	0.93	1320	63 BUTTONWOOD AVE	Sutton	WORCESTER SAND & GRAVEL CO INC	R1
3852	6_6	0.93	1320	51 BUTTONWOOD AVE	Sutton	WORCESTER SAND & GRAVEL CO INC	R1
3671	6_13	8.48	4100	11 HATCHERY DR	Sutton	WORCESTER SAND & GRAVEL CO INC	I
3681	6_14	5.60	4100	49R BUTTONWOOD AVE	Sutton	WORCESTER SAND & GRAVEL CO INC	I
3690	6_15	27.86	4100	26 HATCHERY DR	Sutton	WORCESTER SAND & GRAVEL CO INC	I
3733	6_203	0.29	4420	39R HATCHERY DR	Sutton	WORCESTER SAND & GRAVEL CO INC	I
3801	6_27	0.50	1040	76 PROVIDENCE RD	Sutton	YOUNG RICHARD M	I
88	64_2	37.99	4000	86 PROVIDENCE ST	Millbury	LEWCOTT CORPORATION	I-1
98	64_1 and 64_8	40.22	3910	PROVIDENCE ST	Millbury	AGGREGATE INDUSTRIES, N.E.REG,INC	I-1
5130	64_9	2.56	4000	PROVIDENCE ST	Millbury	LEWCOTT CORPORATION	I-1

Appendix B:

Millbury / Sutton Route 122A PDA Zoning Assessment

Appendix B: Zoning Assessment

Prepared for the Route 122A PDA Assessment

For the Towns of Millbury and Sutton:

Town of Millbury Zoning Assessment

There is just one (1) Zoning District within the Town of Millbury’s portion of the 122A PDA, which is the Industrial-1 (I-1) Zoning District. The Town of Millbury rezoned this area to I-1 last year.

Uses allowed in Industrial I:

District	Uses Allowed By-Right or Special Permit
Industrial-1 (I-1)	Allowed By-Right: School or college; Religious, sectarian or denominational buildings or uses; nursing home, public utility cemetery, municipal use, non-profit club, philanthropic institution airfield, building materials or construction equipment sales or storage, personal services, restaurant (w/o counter service or drive thru), funeral home, building tradesmen and contractors; earth removal, manufacturing or processing (other than asphalt plants, including alternative and/or renewable energy systems); warehousing, wholesale distribution not involving bulk storage, research and development, stone and monument works; agricultural, parking to service a permitted use; radio station; standard or par-3 golf course; following accessory uses: (Home occupation; roadside stand for good primarily produced on premises, residential uses incidental and necessary to an industrial establishment, temporary structures)
	Allowed by Special Permit – Freight or Transportation Terminal, if not within eight hundred feet (800’) of more than two (2) dwellings, temporary structures or uses not conforming to this bylaw, accessory scientific, veterinary/ kennel, Assisted Living Facility in accordance with Section 42.

Dimensional Requirements for the Industrial I District:

District	Min Lot Area	Frontage	Min Yards (Front/Side/Rear)	Max. Coverage	Max. Building Height
Ind. I	80,000 sq. ft.	150 feet	30 ft* / 20 ft ** / 20 **	40%	50 ft

Footnotes:

* Thirty (30%) of required yard area shall be free of any paving and maintained with vegetation. Entire yard to be free of outdoor storage materials.

** If abutting a residential or suburban district boundary, increase to one hundred (100') feet, of which fifty (50') feet shall be free of any paving or outdoor storage of materials, and maintained with vegetation.

Town of Sutton Zoning Assessment

There are two (1) Zoning Districts within the Town of Sutton's portion of the Route 122A PDA:

1. Office – Light Industrial (OLI) - the Town of Sutton rezoned this area at the October 21, 2013 Town Meeting from Industrial zoning.
2. Residential- Rural (R-1) – this zoning district is found to the rear of the Industrial districts on the west side of the Route 122A PDA. It is anticipated that the R-1 zoning is incompatible with future economic development opportunities of the PDA and a consideration for rezoning to a more commercial/industrial centric zone is one recommendation outcome of this PDA Assessment. Town will support rezoning but it will be dependent on what mix of land uses/type of development a developer proposes. The Town also supports a mixed use development. CMRPC recommends some sort of Planned Unit Development (PUD) zoning provision to allow for the mixed-use development option. The Town of Ashburnham is an example of a community that adopted PUD zoning that is an overlay over an area of the community they wished to encourage mixed-use development.

Uses allowed in OLI and R-1 Zoning Districts:

District	Uses Allowed By-Right or Special Permit
Residential Rural-1 (R-1)	Allowed by-right: single-family detached residential, Open Space Residential Development, church, agricultural
	Allowed by Special Permit – Condominium Development, Continuing Care Retirement Communities, Home business, bed & breakfast, recreational facility, public utility, cemetery, commercial, veterinary/kennel, restaurant

	accessory to main use, nursing home
Office – Light Industrial (OLI)	church, agricultural (over 5 acres), free standing ATMs, restaurants accessory to permitted or allowed use, personal service establishments, motion picture establishment and commercial recreation, railroad and railway express service, warehousing, commercial parking, other non-industrial accessory uses, small and large solar photovoltaic installations
	Allowed by Special Permit –Continuing Care Retirement Communities, recreational facility, cemetery, power plant and refuse facility, agricultural (under 5 acres), business and professional office, drive through windows for banks, Planned Business Development, research and development, retail stores, restaurants, hotels and motels, hospital/medical clinic, nursing home, repair services, educational establishments which are not non-profit, communication and television towers (not inc. cell towers), trucking services and warehousing, manufacturing, processing, landscape contractors, research and development, accessory scientific research and development, earth removal, accessory uses, small hydropower installations, small wind turbines

Dimensional Requirements for the R-1 and OLI Zoning Districts:

District	Use	Area (sq. ft.)	Width & Frontage (ft.)	Front (ft.)	Side (ft.)	Rear (ft.)
R-1	Any permitted structure or principal use	80,000	250	50	20	50
OLI	Any permitted structure or principal use	80,000	200	50	20	50

Appendix C:

**Town of Ashburnham
Planned Unit Development (PUD) Zoning Bylaw**

The Planning Board, when acting as the Special Permit Granting Authority under this section, may waive strict compliance with such requirements of this section, where such action is in the public interest and not inconsistent with the purpose and intent of the Zoning Act or this section.

5.18.11 Severability

The provisions of this bylaw are severable, and the invalidity of any section, subdivision, paragraph, or other part of this bylaw shall not affect the validity or effectiveness of the remainder of the bylaw.

(Approved by Attorney General March 11, 2009)

5.19 Planned Unit Development

5.19.1 Purpose and Intent/Introduction

The purpose and intent of the Planned Unit Development (PUD) provision is to allow via Special Permit an alternative use and pattern of land development for large tracts and for redevelopment of smaller parcels in built-up areas by allowing single-family and multi-family clustered residential development along with a mix of nonresidential uses as permitted in this Section, while encouraging the conservation of open space within the PUD.

The PUD is a flexible zoning tool designed to meet the following objectives:

- A. Encourage innovation in commercial and residential development so that the growing demand for more and varied housing may be met by a greater variety in type and design of living units;
- B. Encourage a less sprawling form of community development which makes more efficient use of land, requires shorter networks of streets and utilities and which fosters more economical development and less consumption of developable land;
- C. The permanent preservation of open space, agricultural lands, forest lands, and other natural resources;
- D. Maintain the traditional New England rural character and land use pattern in which small villages contrast with open space and farm land;
- E. Respect for the natural features of the land, including wetlands, watercourses, forests, prime agricultural land, steep slopes, plants, wildlife, historic sites, scenic areas, and rural character;
- F. Encourage historic preservation, infill development and adaptive re-use of historic structures in applicable zoning districts;
- G. Provide opportunities to allow greater density and intensity of residential development than would normally be allowed provided that the land usage can be shown to be in the public good;
- H. Provide wildlife corridors connecting open spaces, needed by wildlife to ensure their survival;

- I. To protect and enhance the value of real property;

5.19.2 Definitions

Developable Land: All land located within the PUD exclusive of wetlands as said terms are defined in the Wetlands Protection Act (Chapter 131, Section 40 of Massachusetts General Laws).

Floor Area Ratio: As used in this Section, the floor area ratio is the ratio of the gross floor area of all buildings within a PUD to the area of developable land within the PUD provided, however, that the gross floor area of garages and attics, which are not designed to be used or occupied as living areas, shall be excluded.

5.19.3 Applicability

Any development under the PUD provisions of this Section of the Ashburnham Zoning Bylaw requires a Special Permit approval from the Ashburnham Planning Board.

Planned Unit Developments (PUDs) shall be allowed within parcels included in the Planned Unit Development (PUD) Overlay District subject to the issuance of a Special Permit and provided that the use complies with all requirements set forth in this Section. The minimum size of any PUD shall be a parcel or contiguous parcels of land having an area of at least four (4) acres within the PUD Overlay District. The Planning Board may allow a PUD on a parcel or contiguous parcels of land smaller than 4 acres upon a finding that the proposed development is consistent with the objectives of this section and Section 1.1 of the Zoning Bylaw.

The PUD Overlay District is established over all the zoning districts of the Town of Ashburnham, except the following parcels: Map 28 Parcels 1 & 2 and Map 29 Parcels 8-13. The PUD Zoning Overlay District is located and bounded as shown on a map entitled "Planned Unit Development Zoning Overlay District", Ashburnham, MA prepared by the Montachusett Regional Planning Commission, dated May 5, 2012, and on file with the offices of the Town Clerk, Zoning Enforcement Officer and Planning Board.

5.19.4 Permitted Uses

- A. Any use allowed by-right (Y) or by special permit (SP) in at least one of the underlying zoning districts within which the PUD is located, shall also be allowed by-right or allowable by special permit, as the case may be, in any location within that PUD, including within underlying districts where such use is not otherwise allowed, with the following exceptions:

- i. Dwelling units are allowed by right within all PUDs without limitation on form of tenure or structure type, including single-family, two-family, multi-family, Assisted Elderly, or Supportive Housing. A maximum of twenty (20) dwelling units shall be allowed in any one building.
 - ii. Retail operations with more than ten thousand (10,000) square feet of gross floor area on any individual floor shall be prohibited within any PUD.
 - iii. Hotel, motel or inn, and commercial indoor amusement or recreational place or place of assembly, are allowed uses within all PUDs.
- B. Residential uses shall comprise not less than 25% and not more than 75% of the gross floor area planned within any PUD.

5.19.5 Dimensional and Area Regulations

A. Applicability

The dimensional and area regulations set forth in this Section shall apply to the total area of developable land within the PUD and shall not regulate individual lots therein.

B. Maximum Allowable Density

- i. The Planning Board shall have the discretion to reduce or suspend the minimum requirements otherwise applicable under Section 4 (Dimensional Regulations) of the Zoning Bylaw for a Planned Unit Development, provided that the Planning Board finds that the conditions present on the site are adequate to support the proposed development, protect the surrounding neighborhood, and meet the purposes and objectives of this section, and further provided to meet the following requirements:
 - (a) There shall be at least 10,000 square feet of developable land for each bedroom created in a PUD.
 - (b) Meet the Floor Area Ratio, Ground Coverage and Setback requirements as specified within this section.
 - (c) Residential uses are limited to the overall gross floor area limitations specified in Section 4(B) of this Bylaw.

- ii. Increases in Permissible Density.

The Planning Board may award a density bonus to increase the number of dwelling units beyond the base density of dwelling units based on subsection (i) above. The density bonus for the PUD shall not, in the aggregate, exceed thirty percent (30%) of the Basic Maximum Number. Computations shall be rounded down to the next whole number. A density bonus may be awarded in the following circumstances:

- (a) For each additional five percent (5%) of the site (over and above the required 25%) set aside as common open space, a bonus of one

(1) additional dwelling unit beyond the base density may be awarded.

- (b) For every two (2) dwelling units restricted in perpetuity to occupancy by persons or families that qualify as income eligible households, one (1) dwelling unit may be added as a density bonus beyond the base number. Affordable housing units may be used toward density bonuses only if they can be counted toward the Town's affordable housing inventory as determined by the Massachusetts Department of Housing and Community Development. The applicant shall provide documentation demonstrating that the unit(s) shall count toward the community's affordable housing inventory to the satisfaction of the Planning Board.

Additional housing units allowed under this subsection will become buildable as additional dwelling unit(s) upon completion and sale of said deed-restricted home, or rental of such affordable housing unit, or upon donation of, and recording of a deed to, the lot set aside for such deed-restricted home to the Town or to a public or non-profit housing agency or trust.

- iii. Developments on municipal sewer systems: written approval certifying tie-in to municipal sewage from the Ashburnham Water and Sewer Commission indicating that the proposed density is feasible.
- iv. On-site septic development: a sanitary survey sewage feasibility Report by a Registered Professional Civil Engineer licensed in Massachusetts, indicating that the proposed density is feasible. The purpose of the report is to evaluate the feasibility of the ground for subsurface disposal of septic tank effluents, based on soil characteristics and test borings, water table, natural drainage patterns and other observation by the engineer.

[1] The report shall take into consideration the following factors: location of deep holes, to be shown on the appropriate map; topographic and ground level conditions; natural drainage patterns; flood heights of nearby waterways; underlying soil characteristics, absorption qualities, maximum groundwater elevations and distances to bedrock; and location and dimensions of abutting off-site sewage disposal systems if within 100 feet of property lines to be shown on an appropriate map.

[2] The report shall contain a statement by the civil engineer of why the septic system design and location is the most suitable of considered alternatives for on-site sanitary sewage disposal systems as indicated in Title V, the State Environmental Code. The Ashburnham Board of Health has final jurisdiction over all on-site septic systems.

C. Floor Area Ratio Requirement

The ratio of the gross floor area of all buildings, residential and commercial, within the PUD, to the total area of developable land within the PUD shall not exceed 32% (0.32).

D. Ground Coverage Requirement

The ground coverage of all residential and commercial buildings, and parking lots and impervious landscaping within the PUD shall not exceed 40% of the total area of developable land within the PUD. The ground coverage of all roadway areas and associated sidewalks shall be excluded from this requirement.

E. Setback Requirements

Setbacks within a PUD shall conform to the following requirements; provided however that the Planning Board may reduce the setback requirements or may require greater setbacks to provide additional buffers to residences abutting the PUD or to enhance the aesthetic appearance or planning objectives of this Bylaw.

i. Perimeter Setbacks

All structures within a PUD shall have a minimum setback requirement of 50 feet from the PUD boundary line.

ii. Front Setback Requirements

All structures within a PUD shall have a minimum setback from any lot line or any street line of 20 feet.

iii. Separation of Buildings

All buildings within the PUD shall have a setback of at least 20 feet from any other building therein.

F. Maximum Height Requirement

No buildings in the PUD shall exceed the height allowed by the underlying zoning district.

G. Solar Orientation of Buildings.

Spacing of buildings and landscaping, wherever possible and practical, shall be oriented to optimize solar exposure for buildings located within the PUD.

H. Flexible Design and Orientation of Buildings.

More than one principle building shall be allowed on any lot located in the Planned Unit Development, subject to issuance of the PUD Special Permit by the Planning Board, along with a finding that such buildings would be in keeping with the purpose of the Village Center Zoning District(s), per Section 2.1 of the Zoning Bylaw, and the additional findings:

- i. No principal building shall be located in relation to another principal building on the same lot, or on adjacent lot, so as to cause danger from fire;
- ii. All principal buildings on the lot shall be served by access ways suitable for fire, police, and emergency vehicles;
- iii. All of the multiple principal buildings on the same lot shall be accessible via pedestrian walkways connected to the required parking for the premises, and to each principal building.

5.19.6 Open Land/Open Space

A. Basic Requirement

Open space shall be provided within a PUD in accordance with the requirements of this section.

B. Public Open Space

Significant areas of land within the PUD which are not developable and are classified as wetlands in accordance with the Mass. Wetlands Protection Act (M.G.L. Ch. 131 Section 40) and the DEP Regulations promulgated thereunder, including the wildlife protection regulations, shall be designated as "Public Open Space." Said areas shall be preserved as open space in perpetuity and either conveyed to the Town of Ashburnham Conservation Commission, or to a nonprofit organization, the principal purpose of which is the conservation of open space, or shall be protected as a means of a conservation restriction imposed on the land pursuant to M.G.L. Ch. 184, Section 31.

C. Common Open Space

A minimum of 25% of the total developable land within the PUD, exclusive of the land set aside for streets, shall be designated "Common Open Space." Common Open Space shall include all developable land not dedicated to roads, parking areas, buildings and structures. At least 50% of the required common open space may be used for recreational facilities; and for passive open space and buffer areas. Common open space shall have a shape, dimension, character and location suitable to assure its use for park, recreation, conservation or agricultural purposes by residents of the PUD; and, where possible, be located such that significant areas of continuous open space are distributed throughout the

PUD. There shall also be significant areas of common open space near areas containing high concentrations of housing units.

The approximate location of major areas of Public Open Space and Common Open Space shall be identified as part of the Preliminary Development Plan. The granting of a Special Permit shall include as a condition that the large areas of open space identified on the Preliminary Development Plan be preserved approximately as shown, with the understanding that the precise definition of such open space might be altered with the submittal and approval of Definitive Development Plans.

D. Ownership of Common Open Space, Restrictions Thereon

The required open land shall be conveyed to a non-profit corporation or trust comprising a condominium or homeowner's association. In order to ensure that the association will properly maintain the land deeded to it under this section, the developer shall cause to be recorded at the Northern Worcester District Registry of Deeds a Declaration of Covenants and Restrictions which shall, at a minimum, provide for the following:

- i. Mandatory membership in an established association, as a requirement of ownership of any condominium unit, rental unit, building or lot in the tract.
- ii. Provisions for maintenance, assessments of the owners of all condominium units, rental units, buildings or lots in order to ensure that the open land is maintained in a condition suitable for the users approved by the homeowner's association. Failure to pay assessment shall create a lien on the property assessed, enforceable by the association.
- iii. Provisions which, so far as possible under the existing law, will ensure that the restrictions place on the use of the open land will not terminate by operations of law.
- iv. Provisions for limited easements to significant areas of open space and natural resources for recreational use by residents of the Town, and to provide linkages to open space of abutting properties.

The developer shall be responsible for the maintenance of the common land and any other facilities to be held in common until such time as the association is capable of assuming such responsibility.

5.19.7 Design Standards, Off-street Parking and Loading Requirements

A. Basic Requirements

The PUD shall be designed and constructed in accordance with the Design Standards and Specifications set forth in Section 5 of the Town of Ashburnham Planning Board Rules and Regulations Governing the Subdivision of Land.

B. Off-Street Parking

Off-street parking facilities for structures and uses within a PUD shall conform to all regulations and design standards as set forth in Section 5.3 of the Zoning Bylaw. However, the Planning Board is given flexibility for provision of off-street parking facilities as provided for under Section 5.34 of the Ashburnham Zoning Bylaw

Off-street parking areas within any PUD shall meet the screening standards as specified within Section 5.107.2 of the Zoning Bylaw.

C. Off-Street Loading

Off-street loading facilities for structures and uses within a PUD shall conform to all regulations and design standards as set forth in Section 5.33 of the Zoning Bylaw.

D. Garages

The construction of individual garages attached to or within housing units is encouraged where feasible, taking into consideration the topography, layout, type, architectural design and price of the unit. The location of such garages is encouraged where feasible to be located to the rear of townhome and/or apartment units.

5.19.8 Contents and Scope of Application and Review Procedure

A. Pre-Application Conference

Prior to investing in extensive professional design efforts for a Planned Unit Development, it will often prove useful to review the proposed development/use of land with the Planning Board, in order that general approaches and potential problems can be freely explored. The Planning Board encourages Applicants to meet with the Planning Board Chairman to review their development proposals and/or Applicants are invited to submit a Pre- Application Sketch of the proposed project to the Planning Board at the Public Comment period at a regular meeting of the Planning Board. Sketches, which need not be professionally prepared, will assist the discussion and might show some but not all of the information required to be shown on a site plan.

B. Preliminary Plan

The Applicant may file a preliminary plan accompanied by the form "Form B Preliminary Subdivision Application" and the "Form B Preliminary Subdivision Application Check List" to the Planning Board. The Applicant shall include any required filing fee as established in the Planning Board Rules Governing Fees and Fee Schedule. The Planning Board shall upon receipt of the complete preliminary plan application and supporting documents follow the requirements of Section 4.2 of the Planning Board

Rules and Regulations Governing the Subdivision of Land related to the review and decision of such Preliminary Plan.

The Planning Board may suggest modifications and changes to the preliminary plan in anticipation of filing of the final plan. If the Planning Board fails to act within 45 days of receipt of a complete preliminary plan and application, the applicant may proceed to file a final plan.

C. Final Plan Application:

i. The application for Planned Unit Development (PUD) Special Permit shall be made in accordance with Section 5.105 of the Ashburnham Zoning Bylaw.

ii. Coordination with Other Boards. Upon receipt of the PUD Final Plan application, the Planning Board shall transmit a copy of the Application and Plan to the Selectmen, Fire Department, Water and Sewer Commission, Board of Health, Highway Department, Conservation Commission, Building Inspector, Historical Commission, Police Department, Light Department and the Planning Board's Consulting Engineer for their written recommendation. Failure to respond to the Planning Board within 30 days shall indicate approval by said agencies. The Planning Board decision shall address any departure from the recommendations of the other town agencies.

iii. The Applicant shall provide a narrative Development Impact Statement detailing the impact of the proposed use on municipal services and the environment. Such statement shall conform to Section 4.3.6, Development Impact Statements, of the Town of Ashburnham Planning Board Subdivision Rules and Regulations.

iv. Public Hearing: The Planning Board shall hold a public hearing on any properly completed application within 65 days after filing of a complete application, shall properly serve notice of such hearing, and shall render its decision within 90 days of the close of said hearing. The hearing and notice requirements set forth herein shall comply with the requirements of G.L. c. 40A, Sections 9 and 11.

v. Review of applications for any use-related special permits may be consolidated into the Planned Unit Development Special Permit process, while being voted on separately.

D. The Planning Board shall grant the Special Permit only if it finds the application satisfies the objectives of a PUD as defined in Section 1.

E. A PUD Special Permit granted pursuant to this Section shall establish and regulate the following as conditions of approval:

- i. Location of all primary streets and ways within the development, including access to existing public ways, with the layout, design, construction and other relevant standards for such streets and ways to conform to the *Town of Ashburnham Planning Board Rules and Regulations Governing the Subdivision of Land*.
- ii. Locations of significant areas of public open space and common open space.
- iii. Boundaries of lots to be created within the development, if any.
- iv. Overall project density, including the distribution of housing units to avoid undue concentration of development, as well as maximum number of housing units that may be built within the development, including maximum number of building permits that may be issued within any twelve month period.
- v. Location and boundaries of each development phase.
- vi. Location of non-residential establishments.
- vii. Development timetable.
- viii. Off-site traffic improvements and environmental mitigation measures, if any to be performed by the Applicant, including timetables and procedures for implementation of the same.
- ix. Requirements for instruments to be executed by the owners of the land and recorded with the Registry of Deeds waiving all rights to previously issued permits and approvals for residential or non-residential buildings and uses for the land, if any, and to future uses of the land which would otherwise be otherwise permitted by the zoning district in which it is located, except as specifically allowed under this PUD Special Permit.
- x. Such other terms, conditions or restrictions as the Planning Board may deem appropriate.

5.19.9 Relation to Subdivision Control Law

In the event the Applicant seeks subdivision approval for streets and lots within the PUD pursuant to the Subdivision Control Law M.G.L. Chapter 41, Section 81, the Applicant shall file an “Application for a Definitive Plan” pursuant to Section 4.3 of the *Town of Ashburnham Planning Board Rules and Regulations Governing the Subdivision of Land*. In order to facilitate the processing the Planning Board shall consider said application simultaneously with the application for a PUD Special Permit, and may adopt regulations establishing procedures for the simultaneous submission and consideration of the

applications; provided however, that nothing contained herein shall be deemed to require approval of streets and ways within a PUD under the Subdivision Control Law. Any subdivision of land within the PUD shall in no way diminish the effect of any conditions, agreements or covenants imposed or made as part of the grant of the PUD Special Permit.

5.19.10 Administration

- A. The Planning Board may adopt, and from time to time amend, Rules and Regulations relating to the administration of this Planned Unit Development Zoning provision consistent with the provisions of this bylaw and G.L. c. 40A and other provisions of the General Laws, including Rules and Regulations Governing the Subdivision of Land, and shall file a copy of said Rules and Regulations with the Town Clerk.
- B. Fees – See Town of Ashburnham Planning Board Rules Governing Fees and Fee Schedule.
- C. Waiver of Compliance

The Planning Board may waive strict compliance with such requirements of this section, where such action is in the public interest and not inconsistent with the purpose and intent of the Zoning Act or this section.

- D. Separability

The invalidity of one or more provisions or clauses of this Section shall not invalidate or impair the Section as a whole or any other part hereof.

(Adopted by ATM 5/5/2012)

5.20 Registered Marijuana Dispensaries

5.20.1 Purposes

- a. To provide for the limited establishment of Registered Marijuana Dispensaries (RMD) in appropriate places and under strict conditions in accordance with applicable laws.
- b. To minimize the adverse impacts of RMDs on adjacent properties, residential neighborhoods, schools and other places where children congregate, local historic districts, and other land uses potentially incompatible with said RMDs.
- c. To regulate the siting, design, placement, safety, monitoring, modification, and removal of RMDs.
- d. To limit the overall number of RMDs in Ashburnham to what is essential to serve the public convenience and necessity.

