FREETOWN PLANNING BOARD

RULES AND REGULATIONS

GOVERNING DEVELOPMENT WITHIN THE

PLANNED MIXED-USE DEVELOPMENT

OVERLAY DISTRICT

TOWN OF FREETOWN, MASSACHUSETTS

Date of Adoption: \_\_\_\_\_\_\_\_\_\_\_\_\_

With Revisions Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. General Provisions
   1. Purpose and Authority

The following Rules and Regulations are hereby adopted by the Freetown Planning Board as provided in Chapter 40A of the Massachusetts General Laws, for the purpose of establishing uniform procedures for the granting of special permits for development within the Planned Mixed-Use Development (PMUD) zoning overlay district pursuant to Article 11.29 of the Freetown Zoning Bylaws. The purpose of the district, as stated in the Zoning Bylaws, is as follows:

* To provide an opportunity to comprehensively plan a large tract of land in a pedestrian friendly, campus-like setting, around a public green.
* To ensure high quality site planning, architecture and landscape design to create a distinct visual character and identity for the development that provides an environment with safety, convenience and amenity.
* To ensure any potential traffic impacts of the planned mixed-use development are properly mitigated and in keeping with the character of the Town of Freetown.
* To generate positive tax revenue, while providing the opportunity for new business growth and additional local jobs.
* To accommodate the needs of a sustainable community by providing a framework for regional growth while creating employment opportunities that maximize the economic benefits of transit investment, minimize sprawl development and preserve the natural assets of the south coast for future generations.
  1. Adoption and Amendment:

These Rules and Regulations may be adopted and from time to time amended by a majority vote of the Planning Board, provided such adoption or amendment is submitted in writing at a meeting of the Board and action thereon taken after a public hearing.

* 1. Effective Date:

These Rules and Regulations are effective when voted. A copy shall be filed with the office of the Town Clerk, with appropriate endorsements, such as date of adoption, date filed with Town Clerk, and dates of amendments.

Date of adoption:

Date filed with the Town Clerk:

Amendments – dates of adoption:

Amendments – dates filed with Town Clerk:

1. Applicant

An application or petition for a Special Permit may be brought by a property owner, agent or prospective purchaser who submits certification of property interest and authority to file such application for the area of land comprising the application locus by the owner.

1. Pre-Application Conference

The Planning Board may hold pre-application conferences at any regular or special meeting of the Board. The applicant should provide a concept plan for discussion purposes and to assist in the identification of the nature of information necessary to meet the requirements of the zoning by-law and regulations for the application.

1. Planned Mixed-Use Development Application Process

A planned mixed-use development is a two-step process, which allows the town and an applicant greater flexibility in the development of the land within the overlay district. These Rules and Regulations are intended to establish specific guidelines regarding submittal requirements, review procedures, and required performance standards.

* Phase I: The applicant files a Development Concept Plan Special Permit application as described in Section 5.0 for a phase or combination of phases for land within the PMUD overlay district. The plan locus for each phase must include at least five (5) contiguous acres within the PMUD overlay district as shown on the Town of Freetown zoning map, as amended. Additional land can be added to or substituted within a phase, from time to time, provided that the total acreage of the project is not greater than forty-four (44) acres and that a revised Development Concept Plan is filed. The Plan shall contain the overall road network, roadway drainage, locations of the village green, bike and pedestrian ways, lots and proposed uses by phase.
* Phase II: The applicant files a Special Permit Application and Design Plan as described in Section 6.0 with the Planning Board serving as the Special Permit Granting Authority (SPGA), for a phase showing all elements. An element may be a single use or group of uses within a phase of the overlay district.

1. Application for Special Permits, Phase I: Development Concept Plan
   1. Application Form

Applicants for Special Permits must submit a properly executed FORM PMUD-SP, which shall be furnished by the Clerk of the Planning Board upon request. All information indicated on this form and listed below shall be supplied by the petitioner at the time of application in the manner prescribed (fully and correctly). In order for an application to be considered a proper submittal, the provisions of the filing requirements found in Submission requirements (Section 5.2), the Contents Requirements (Section 5.3) and Fee requirements (Section 8.0) shall be fulfilled.

Failure to meet this requirement will be considered a failure to submit a complete application and the Planning Board shall open and close the public hearing without testimony and shall deny the proposal.Such denial shall not subject the project to M.G.L. Ch. 40A Sec. 16 relative to repetitive petitions.

* 1. Submission

Each application for a special permit shall be filed by the petitioner with the town clerk and a copy of said application, including the date and time of filing certified by the town clerk, shall be filed forthwith by the petitioner with the Planning Board as the SPGA.

For the purpose of furnishing sufficient information upon which to base a decision of the Board, the applicant shall submit twelve (12) copies of the project plans and pertinent information and calculations to the Planning Board. All such plans shall be prepared by a Registered Land Surveyor and/or a Professional Engineer as required. The plan shall be oriented to true or magnetic north and identified by date and name of the petitioners and contain such other information as the Board may request.

* 1. Contents of an Application

The following information shall be furnished by the applicant:

1. The applicant or applicants must demonstrate proof of ownership of all property subject to the application or a notarized statement by the owner(s) of the property authorizing the applicant to file an application for the property.
2. A locus plan at 1” = 400’ scale showing the location, names, and including the tracts of land, from assessor’s plans or field survey if available, of properties within the plan locus.
3. A conceptual site layout drawn at a scale of 1” = 40’, unless another scale is previously requested and found suitable by the Board. The approximate locations of the buildings, setbacks and all other required dimensions, elevations and measurements maybe shown on the site layoutwith both existing and proposed contour lines representing the site topography. Widths of the existing streets bounding, approaching or within reasonable proximity of the site and ownership of surrounding parcels shall be shown.
4. No street or way through private property shall be recommended for acceptance by the Town unless the same be previously constructed and completed in accordance with Freetown Rules and Regulations of the Planning Board governing the Subdivision of Land (Subdivision Rules and Regulations) Section IV. Design and Construction Standards.Plans shall meet the requirements of the Freetown Subdivision Rules and Regulations Section IV.A.1-7 and including the following required elements:
   1. The location of existing wetlands, streams and rivers, water bodies, wells, one-hundred year floodplain elevation, slope areas, vistas, geological features including topography (two foot contours), stone walls, fire trails, unique vegetation**,** historic features, and other natural features that may be important to the site.
   2. Existing and proposed parking, alldrainage, and utility systemsprepared by a Massachusetts registered professional engineer.
   3. Street layouts and property line plan by a Massachusetts registered land surveyor.
   4. Drainage calculations for proposed roadways meeting the requirements of the Section IV. Section D. Drainage and Runoff Control**,** including measures proposed to prevent pollution of surface water or groundwater, soil erosion, increased runoff, and flooding.
   5. A landscape plan for all proposed roadway rights-of-way to include the total square feet of all landscaped areas, including a depiction of materials to be used, and the quantity, size, and species of plantings.
   6. A narrative describing the manner in which the land designated on the plans as public green(s) will be either placed under a permanent conservation restriction or deeded to the Town of Freetown. The narrative shall also describe any uses and facilities proposed within the public green(s). If several uses are proposed, the plans shall specify what uses will occur in what areas. The narrative shall also address compliance of the public green(s) with the design requirements in Article 11.29(J) (1) of the Zoning Bylaws.
   7. A draft copy of any proposed declaration of covenants and restrictions and/or permanent conservation restrictions governing the public green(s) within the application. Or, if the public green(s) will be deeded to the Town, a statement to that effect.
   8. A draft easement for the maintenance of the public green(s), as specified in Article 11.29(J) (1) (b) of the Zoning Bylaws.
   9. The application shall also furnish a summary of the vital statistics of the project. Such statistics shall include: total gross and net acreage of locus; total length of new roadways; area and maintenance plan for public green(s); maintenance plan for drainage systems;the acreage of land within the proposal, including the percentage of the total PMUD overlay district, dedicated to the allowable land uses listed in the Required Performance Standards in Article 11.29 (I) of the Zoning Bylaws.
   10. A traffic study for the land subject to the Development Concept Plan application. Said traffic study shall include information as specified in Articles 11.29(I) (11) and 11.25 of the Zoning By-Laws. This overall traffic study will assist the Town and applicants (within the PMUD) to determine the overall impact of the development of each phase of the PMUD and determine the best mitigation package for the Town and thedevelopment.
   11. The proposed traffic mitigation measures shall apply to each element, as approved, under the special permit application (Phase II). Any changes to the anticipated traffic impacts, size or proposed uses of individual elements shall require updating and revising the traffic study. The Planning Board, under the special permit application, shall determine if said changes are acceptable.
   12. Development Concept Plan Design Objectives
5. Uses shall be grouped together to maximize pedestrian access by connecting sidewalks and pathways. Buildings shall be oriented around the public green and not South Main Street.
6. Except as the Planning Board may otherwise determine, access to South Main Street from a PMUD shall be through a secondary street as defined in the Planning Board Subdivision Rules and Regulations.
7. A public green shall be required for each phase of development within the PMUD, and a public green can serve more than one development phase. The public green(s) shall be a minimum of one-half (½) acre in size per phaseand be designed as a pedestrian friendly park. The public green(s) shall contain some combination of benches, tables, playground equipment, sidewalks, lighting and landscaping. Each green shall be used solely for active and passive recreation purposes and shall be open to the public.Advertising and solicitation shall be prohibited in all areas designated as a green.The total acreage of the green in each phase may be used toward the land area calculations to determine allowable density for one of the uses within that phase.
8. The Board shall review all submittals for compliance with the Required Performance Standards under Article 11.29(I) of the Zoning Bylaws, and with the Criteria for Review and Approval under Article 11.29(M) of the Zoning Bylaws.
9. Application for Special Permits, Phase II

Upon approval of a Development Concept Plan application under the Phase I regulations, an applicant may submit a Special Permit application for an individual element or group of elements.

Phase I and Phase II plans may be filed and reviewed concurrently, but the Planning Board shall continue the public hearingon a Phase II application until a decision has been issued and the appeal period has passed for the Phase I approval.

* 1. Application Form

Applicants for Special Permits must submit a properly executed FORM PMUD-SP, which shall be furnished by the Clerk of the Planning Board upon request. All information indicated on this form and listed below shall be supplied by the petitioner at the time of application in the manner prescribed (fully and correctly). In order for an application to be considered a proper submittal, the provisions of the Filing requirements (Section 6.2, Submission requirements, the Section 6.3, Contents of a Site Plan and Section 8.0, Fee requirements) shall be fulfilled.

Failure to meet these requirements will be considered a failure to submit a complete application and the Planning Board shall open and close the public hearing without testimony and shall deny the proposal.Such denial shall not subject the project to M.G.L. Ch. 40A Sec. 16 relative to repetitive petitions.

* 1. Submission

Each application for a special permit shall be filed by the petitioner with the Town Clerk and a copy of said application, including the date and time of filing certified by the Town Clerk, shall be filed forthwith by the petitioner with the Planning Board as the SPGA. Any person desiring approval of a site plan under this section shall submit twelve (12) copies of said plan, with application for approval thereof, directly to the Planning Board with an additional copy filed with the Town Clerk. The Board shall, within ten (10) days after receipt thereof, distribute such plans as provided in Section ~~8~~ 9.1 herein. Applicants are encouraged to meet informally with the Planning Board staff and the Building Inspector prior to making a formal submission of plans to discuss site plan requirements and design objectives**.**

* 1. Contents of a Site Plan

The site plan submitted to the Board shall show, among other things as may be required by the Board in the proper administration of this section:

1. All existing and proposed buildings, structures, parking areas, loading areas, driveway openings, driveways, walkways, surfacing materials to be used, access and egress points, and portions of the roads being utilized for same,service areas, recreation areas and other open spaces, including dimensions and all elevations.
2. Existing and proposed easements within the lot.
3. Existing and proposed on-site wells, water supply systems, storm drainage systems, utilities, sites for enclosed refuse containers and location and capacity of septic systems.
4. Wetlands, streams, bodies of water, drainage swales.
5. The location and description of all existing and proposed topographic features on the lot including two (2) foot contours, walks, fences, walls, planting areas, and greenbelts.
6. Percent of building lot coverage
7. Height of all buildings, above average finished grade of abutting streets, including architectural details and the amount(s) in sq. ft. of proposed building(s).
8. Impervious surface area and open space (natural and landscaped) of the lot.
9. A traffic study if the land subject to the application will meet the thresholds specified in Article 11.25 of the Freetown Zoning Bylaws. Include projected traffic flow patterns into and upon the site for both vehicles and pedestrians and an estimate of the projected number of motor vehicle trips to and from the site for an average day and for peak hours.
10. Proposed traffic mitigation measures applying to both on site and related off-site conditions, as identified in Article 11.29 (J) (11) Traffic Impact Study of the Freetown Zoning Bylaws. The scheduling of mitigation measures shall insure that said remedies are in place and functioning properly at the time of project occupancy.
11. The distance of existing and proposed buildings from the lot lines and the distance between buildings on the same lot.
12. The location of existing or proposed buildings on the lot shall be shown with the total square footage and dimensions of all buildings, all building elevations and floor plans, and perspective renderings. The information shall be sufficient so that the Board may make recommendations regarding, among other things, the architectural value and significance of the site, building or structure, the general design, arrangement and texture, material and color of the features involved and the relation of such features to similar features of buildings and structures in the surrounding area.
13. Design features intended to integrate the proposed new development into the existing landscape, to enhance aesthetic assets, and to screen objectionable features from neighbors.
14. Number of parking spaces, and estimated water consumption and sewage discharge.
15. The Board reserves the right to require additional information as may be necessary to protect the public interests outlined in Article 11.29 and relevant sections of the Zoning Bylaws.

6.3 Special Permit Review Standards

In exercising its jurisdiction under this section, the Board shall conform to all requirements applicable to the Board when deciding requests for special permits as set forth in General Laws Chapter 40A, Section 9 and Article 11.5 of the Freetown Zoning Bylaws. The Board during its site plan review shall utilize the following objectives, in addition to any standards prescribed elsewhere in these Rules and Regulations. These objectives are intended to provide specific guidelines for the Board and the applicant as outlined in Article 11.29 (J) of the Zoning Bylaws.

1. Architectural details – Architectural details of new buildings and additions, and textures of walls and roof materials, should be harmonious with the building's overall architectural style and should preserve and enhance the historic character of Freetown.
2. Building Articulation - Building façades in excess of forty (40) feet shall incorporate recesses and projections, of a minimum of two (2) feet in depth, to break up the building’s mass. A minimum of 60% of the building’s public green(s) and/or street side façade shall contain windows and other appropriate architectural elements. The windows should be divided by muntins and framed with a casing trim; awnings should be designed as an integral part of the building façade; metal awnings are discouraged. Facades shall emphasize architectural elements (including windows, balconies, porches, entries, etc.) that create a complementary pattern or rhythm, dividing large buildings into smaller identifiable pieces.
3. Building Form and Features – The mass, proportion and scale of the building, roof shape, roof pitch, and proportions and relationships between doors and windows should be harmonious among themselves.
4. Building Location - Proposed buildings and structures shall be integrated as much as possible within the existing building locations, landscape and terrain. Building location shall be oriented parallel or perpendicular to the public green(s) and/or street, and shall be oriented around the public green and not South Main Street. The applicant shall provide adequate spatial definitions through the use of walls, fences and/or other elements, which will maintain the street line. Uses shall be grouped together to maximize pedestrian access by connecting sidewalks and pathways. The large retail establishment shall either provide an entrance to the public green or side façade to the public green shall be lined with uses to enhance the pedestrian activities and the use of the public green(s).
5. Building Design - The design of proposed buildings, structures and additions shall complement, whenever feasible, the general setback, roof line, roof pitch, arrangement of openings, color, exterior materials, proportion and scale of existing buildings in the vicinity.
6. Spatial Definition - Define various areas both public and private with walks, plantings, walls, fences and other elements that are in keeping with the overall architectural design.
7. Parking Design (see Article 11.29 (K) of the Zoning Bylaws) – The majority of the parking shall be located to the rear or sides of buildings. All parking and loading areas shall be completely screened from South Main Street by a minimum 50-foot wide raised and landscaped buffer. Parking lots and loading areas shall be appropriately screened from roadways within the overlay district by a minimum 20-foot wide raised and landscaped buffer. Appropriately designed view corridors of buildings from the roadways within the overlay district shall be allowed.
8. Parking Spaces – Applicant shall demonstrate adequacy of space for the off-street loading and unloading of vehicles, goods, products, materials, and equipment incidental to the normal operation of the establishment per Article 11.29(K). Reduction in parking space requirements may be permitted where by design and use it is shown to the Board’s satisfaction that the parking is compatibly shared by multiple uses, adequate and mutually accessible. However, in no case shall a parking requirement reduction exceed fifteen (15) percent of those parking spaces required under normal application of requirements for the non-residential uses proposed.
9. Special Features - Exposed machinery, utility structures and areas for parking, loading, storage, service and disposal shall be screened from adjoining properties and streets as deemed necessary by the SPGA.
10. Lighting – All lighting and other sources of illumination, whether interior or exterior, and all intense light emanating from operations or equipment shall be shielded from direct view at normal eye level from adjacent properties. Lighting should match the architectural style of the building and comply with the Zoning Bylaws Article 11.29(J)(6).
11. Pedestrian Furnishings – The Board shall evaluate convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent streets, property, or improvements. Benches, bicycle racks, bollards, pedestrian scale lighting, street trees, refuse containers, flowers boxes, and canopies shall be provided where deemed appropriate by the SPGA per Article 11.29(J)(4) of the Zoning Bylaws and shall be consistent with the character of the development.
12. Disposal - The Board shall review adequacy of the methods of disposal for sewage, refuse and other wastes resulting from the uses permitted or permissible on the site, and the methods of drainage for surface water including consideration of groundwater recharge.
13. Protection - The Board shall ensure protection of adjoining premises against detrimental or offensive uses on the site.
14. Submittals Compliance -The Board shall review all submittals for compliance with the Required Performance Standards under Article 11.29(I) of the Zoning Bylaws, and with the Criteria for Review and Approval under Article 11.29(M) of the Zoning Bylaws.
15. Transfer of Development Rights (TDR)

Article 11.29(G)(1)(g) of the Zoning By-laws permits a developer to purchase the Residential development rights of other parcels in the overlay district area and add these units to its own project. The Planning Board may identify the process by which the sending area residential development rights shall be determined and the process by which these residential development rights shall be applied to a receiving area and included in a Development Concept Plan or a Design Plan project. This process shall be incorporated in these Rules and Regulations. Until such time that these processes have been adopted and since the Transfer of Developments Rights requires a Special Permit (G.L., c. 40A, § 9), the Rules and Regulations of the Planning Board as Special Permits Granting Authority shall apply.

1. Fees
   1. Administrative Expenses:

Fees for the review and staff time required to process the application by the Planning Board staff shall be as follows:

Development Concept Plan: $xxx.00

Special Permit: $xxx.00

8.2 Review Fees/Special Accounts

Applicants for Phase I Development Concept Plans shall deposit engineering/consultingreview fees in the amount of $xxx.00 into a special account subject to guidelines set forward in Section II.E of the Subdivision Rules and Regulations. The consulting review fee may also be expended as specified in the Subdivision Rules and Regulations for review of the special permit application.

Applicants for Phase II Special Permits shall deposit review fees in the amount of $xxx.00 into a special account subject to guidelines set forward in Section II.E of the Subdivision Rules and Regulations. The consulting review fee may be expended as specified in the Subdivision Rules and Regulations for review of the special permit application.

* 1. Other Costs and Expenses:

The applicant is responsible for the advertising costs associated with publication of the Public Hearing notice.The applicant is responsible for mailing public hearing notices to abutters by certified mail, return receipt requested. Return receipts are to be submitted to the Planning Board prior to the public hearing.

8.4 Special Permit Modification

The administrative fee for a modification to an existing special permit is xxx dollars ($xxx). The applicant shall submit a check made out to the Town of Freetown at the time of the request to modify the PMUD special permit.

8.5 Fee Waiver

Fees can be waived for applications from the Town of Freetown, Religious and Non-profit Organizations at the discretion of the Planning Board on a case-by-case basis.

* 1. Planning Board Review
  2. Referral to other Departments:

Copies of the application, together with such information as the Board deems appropriate, shall be submitted by the Planning Board for review and recommendations to the Board of Health, the Building Inspector, the Highway Surveyor, Historical Commission**,** the Chiefs of the Police and Fire Departments, the Conservation Commission, the Water Commissionand to such other municipal Boards and Officials as the Board determines within fourteen (14) days of the filing of the application.

* 1. Submittal of Comments:

These departments shall have thirty-five (35) days to review and submit written comments to the Board. Failure of the various Boards and Commissions to make comment or recommendations within the thirty-five (35) day time frame shall be deemed by the Planning Board as lack of opposition thereto. Notwithstanding this deadline, the Planning Board reserves the right to request comments from Boards that have failed to do so based on issues raised at the public hearing and to consider those comments in making its final decision.

* 1. Decision Report:

The Board shall, within ninety (90) days of the close of the public hearing, issue a decision pertaining to each complete application. Each decision shall include an approval, an approval with conditions or a denial with specific citations stating where the application did not comply with the Required Performance Standards and/or the Criteria for Review and Approval. If the special permit does not incorporate the suggestions or requirements of any reports from town departments or is issued contrary to their recommendations, the Planning Board shall in its written decision state the reasons for not following the recommendations or requirements of said reports.

* 1. Modification:

The Board shall have the power to modify or amend its approval of a Phase I Development Concept Plan or Phase II Site Plan Review on application of the owner, lessee or mortgagee of the premises, or upon its own motion if such power is reserved by the Board in its original approval. All of the provisions of these Rules and Regulations and Article 11.29 of the Freetown Zoning Bylaws shall, where apt, be applicable to such modification or amendment.

10.0 Disposition of Application:

10.1 Withdrawal of Application:

An applicant may withdraw an application without prejudice by notice in writing to the Clerk of the Board at any time prior to the first publication of the notice of the public hearing. After such notice, withdrawal of an application shall be permitted only by majority vote of the Board.

10.2 Reconsideration:

No vote on an application may be reconsidered after the meeting at which the decision was rendered has been adjourned.

10.3 Appeals:

Any person aggrieved by a decision of the Board as Special Permit Granting Authority may appeal such decision as provided in MGL 40A, Section 17 within twenty days (20) after such decision has been filed in the office of the Town Clerk.

10.4 Reapplication:

No application which has been unfavorably and finally acted upon by the Board shall be reconsidered for a Special Permit within two (2) years after the date of the said final unfavorable action, unless the Board finds by vote of four members specific and material changes in the conditions upon which the previous unfavorable action was based and such changes are described in the record of the Board’s proceedings, and after notice is given to parties in interest of the time and place of the proceedings to reconsider in the same manner as provided for in these Rules and Regulations.

10.5 Effectiveness of Special Permit:

No special permit shall take effect until certification by the Town Clerk is recorded in the Registry of Deeds and indexed under the name of the record owner of the land that twenty (20) days have elapsed after the filing of the decision and no appeal has been filed.

10.6 Lapse of Special Permit:

Every special permit authorized by the Board shall contain the express condition that it will lapse if substantial use under the permit is not commenced within two (2) years from the date of final action by the Board, except for good cause or the final determination of an appeal.

11.0 Waiver of Full Compliance:

Full compliance with these regulations may be waived by the Board, provided such waivers are deemed to serve the public interest and are not conflicting with Chapter 40A, MGL or Article 29 of the Zoning Bylaws.

12.0 Performance Guarantee:

As a condition to a Development Concept Plan, the applicant shall post a performance guarantee as described in the Subdivision Rules and Regulations Section III.H. to cover the period of construction or provide other safeguards in the form and amount or penal sum acceptable to the Board prior to the commencement of construction, unless the Board shall specify otherwise. The purpose of the guarantee for Phase I Development Concept Plans is to assure completion of roadways, landscaping, drainage, erosion control or safety problems which may affect abutters or the public.

As a condition to a Special Permit, the applicant shall post a performance guarantee as described in the Subdivision Rules and Regulations Section III.H to cover the period of construction or provide other safeguards in the form and amount or penal sum acceptable to the Board prior to the issuance of a building permit, unless the Board shall specify otherwise. The purpose of the guarantee for Phase II Special Permits is to assure completion of parking lots, landscaping, public green(s) or safety problems which may affect abutters or the public.

If the applicant is not the owner and must purchase to assume such obligations, he shall comply within twenty (20) days following the date of purchase. Upon completion of construction work, and satisfactory inspection by the Planning Board or its agent, the bond shall be returned to the applicant. In the event of any dispute, the Planning Board shall have the right to require “as-built” plans certified by the appropriate registered architect, professional engineer, or surveyor as a basis for its findings.

13.0 Severability:

The provisions of these Rules and Regulations are severable. If any provision is held invalid, the other provisions shall not be affected thereby. If the application of these Rules and Regulations or any of its provision to any person or circumstances is held invalid, the application of these Rules and Regulations and their provisions to other persons and circumstances shall not be affected thereby.

### SPECIAL PERMIT APPLICATION

**PLANNED MIXED-USE DEVELOPMENT**

DATE\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Is this an application for:

* PMUD Phase 1: Development Concept Plan Special Permit? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

#### OR

* PMUD Phase II: Special Permit for Site Design? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of Applicant \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Phone # \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of Owner \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Owner \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Phone #\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of Engineer \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Phone # \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of Registered Land Surveyor \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Phone #\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of Proposed Development \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Location \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Assessor’s Parcel(s) # \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Number of Lots \_\_\_\_\_\_\_\_\_\_\_\_\_ Zoning District(s) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Abutting Zoning District(s) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Proposed Street Name(s) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Abutting Streets Serving Location \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Is Town Water Available? \_\_\_\_\_\_\_\_\_ Is Town Sewer Available? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Development Concept Plan**: Please provide the approximate acreage of land within this proposal, including the percentage of the total PMUD overlay district, dedicated to the allowable land uses listed in the Required Performance Standards in Section 11.29(I) of the Freetown Zoning Bylaws, as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| **LAND USE AND RELATED LOT REQUIREMENTS IN ACRES AND PERCENTAGES** | | | |
| Land Use | **Allowed Percentage of the Project Acreage** | **Approximate Acreage of land dedicated to land use** | **Approximate Percentage of total PMUD dedicated to land use** |
| Retail (including grocery store) | 0% to 35% |  |  |
| Office/Research Medical | 0% to 40% |  |  |
| Residential | 0% to 25% |  |  |
| Nursing Home /Assisted Living/Continuing Care Retirement Community | 0% to 40% |  |  |
| Recreation | 0% to 30% |  |  |
| Hotel | 0% to 10% |  |  |
| Municipal | Allowed by right |  |  |

Total Gross Area of Locus: \_\_\_\_\_\_\_\_\_\_\_\_\_\_ Acres

Total Net[[1]](#footnote-1)1 Area of Locus: \_\_\_\_\_\_\_\_\_\_\_\_\_\_ Acres

Total length of new roadways: \_\_\_\_\_\_\_\_\_\_\_\_\_\_ Linear feet

Area Shown as Public Green(s) \_\_\_\_\_\_\_\_\_\_\_\_\_\_Acres

Public Green(s) will be:

Deeded to Town? \_\_\_\_\_\_\_\_\_\_\_

Placed under permanent conservation restrictions? \_\_\_\_\_\_\_\_\_

Description of Proposed Traffic Mitigation (this narrative is not meant to be submitted in lieu of a traffic study) *(may attach an additional page as needed)*: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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1. 1 Gross land area minus roadway rights-of-way, public green(s) and drainage structures. [↑](#footnote-ref-1)