

H. PLANNED UNIT DEVELOPMENT (PUD) BY SPECIAL PERMIT:

1. **AUTHORITY TO GRANT PERMITS:** The Planning Board may grant a special permit for the construction of a Planned Unit Development (PUD) in the following districts: Central Business District, Central Industrial District and R-8. The special permit shall conform to this title and to Chapter 40A, Section 9, General Laws, and to regulations which the Planning Board shall adopt for carrying out its requirements under this title.

2. **APPLICABILITY:** The requirements of Section XI.H shall apply only to applications for special permits for PUD, provided, however, that Section XI.H.16, XI.H.18 and XI.H.19 shall also apply to permits for Planned Unit Development (PUD) Districts shown on the Zoning Map. Planned Unit Development (PUD) Districts shown on the Zoning Map shall conform in all respects to any other pertinent sections of the Zoning Bylaw.

3. **PURPOSE:** The purpose of the PUD special permit is to:

- a. Provide a mixture of land usage within the Town of Amesbury;
- b. 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;
- c. Encourage historic preservation, infill development and adaptive re-use of historic structures in applicable zoning districts;
- d. Promote affordable housing in new residential developments;
- e. Preserve, promote and encourage use of public and private open space;
- f. Improve and/or reinforce the livability and aesthetic qualities of the surrounding neighborhood and/or environment;
- g. Encourage developments that provide parking for general public use on a sharing basis, and;
- h. Guide development consistent with the Town's current Master Plan and Historic Preservation Plan.

4. **PROCEDURE:**

- a. **Pre-application Conference:** Prior to the submission of an application for a special permit, the applicant should confer with the Planning Board to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys, and other data.
- b. The applicant may file a preliminary plan accompanied by the form entitled "Submission of Preliminary Plan - Planned Unit Development" to the Planning Board. Applicant shall include any administrative fee in accordance with the schedule established by the Planning Board. The Planning Board shall upon receipt of the complete preliminary application and supporting documents, and within twenty (20) days from the pre-application presentation at a regularly scheduled meeting, review and determine whether the proposed project is consistent with the development of the Town. The Planning Board may suggest modifications and changes to the preliminary plan in anticipation of the filing of the final plan. If the Planning Board fails to act within forth-five (45) days of receipt of a

complete preliminary plan and application, the applicant may proceed to file a final plan.

5. **FINAL APPLICATION:** The application for Planned Unit Development (PUD) special permit shall be made in accordance with section XI.C.4.c. of the Amesbury Zoning Bylaw. All costs of notification shall be borne by the petitioner.

6. **MATERIALS FOR REVIEW: Preliminary Plan Contents:**

The contents of a preliminary plan for a PUD shall contain:

- i. Project boundaries, north arrow, date, scale, legend, and title (Preliminary Plan: Planned Unit Development), the name or names of applicants and engineer or designer.
- ii. Names of all abutters, land uses, and approximate location and width of all adjacent streets.
- iii. Show the existing and proposed lines of streets, ways, easements and of any public areas within or next to the project.
- iv. The approximate boundary lines of existing and proposed lots with approximate areas and dimensions.
- v. Indicate the proposed system of drainage, including adjacent existing natural waterways and the topography of the land.
- vi. Show the existing and proposed buildings, significant structures and proposed open space on the project site, and include adjacent buildings and their actual use.
- vii. An analysis of the natural features of the site, including wetlands, flood plains, slopes over 10%, soil conditions and other features requested by the Planning Board or required by the regulations of the Planning Board.
- viii. A description of the neighborhood in which the tract lies, including utilities and other public facilities and the general impact of the proposed project upon them.
- ix. A summary of environmental concerns relating to the project.

7. **MATERIALS FOR REVIEW: Final Plan Contents:**

The final plan shall show the following information and met the following requirements:

- i. It shall be drawn at a scale of one (1) inch equals forty (40) feet, unless another scale is previously requested and found suitable by the Planning Board.
- ii. A professional engineer, registered architect, or registered landscape architect shall prepare the Site Plan.
- iii. The plan shall be stamped by the registered land surveyor who performed the boundary survey and who shall certify the accuracy of the locations of the buildings, setbacks, and all other required dimensions, elevations, and measurements and shall be signed under the penalties of perjury.
- iv. A utilities and drainage plan shall be prepared by a professional engineer.
- v. The scale, date, and north arrow shall be shown.
- vi. Lot number, dimensions of lot in feet, size of lot in square feet, and width of abutting street and ways.
- vii. Easements within the lot and abutting thereon.

- viii. The location of existing or proposed buildings on the lot shall be prepared by a registered architect to include the total square footage and dimensions of all buildings, all building elevations and floor plans, and perspective renderings. Further, the depiction of materials and colors to be used shall be required.
- ix. The total number of establishments and/or dwelling units.
- x. The location of existing wetlands, water bodies, wells, one-hundred-year Floodplain elevation and other natural features requested by the Board of Appeals during the preliminary plan review phase.
- xi. The distance of existing and proposed buildings from the lot lines and the distance between the buildings on the same lot.
- xii. Percent of building lot coverage.
- xiii. Average height of each building (see definition).
- xiv. The elevation above average finished grade of the floor and ceiling of the lowest floor of each building.
- xv. Existing and proposed topographical lines at two-foot intervals.
- xvi. The use designation of each building or part thereof, and of each section of open ground, plaza, or usable roof space.
- xvii. Number of parking spaces.
- xviii. Height of all buildings, above average finished grade of the abutting streets.
- xix. A landscape plan to include the total square feet of all landscape and recreation areas, and depiction of materials to be used, and the quantity, size, and species of plantings.
- xx. Deed or other recorded instrument that shows the applicant to be the owner under option of the land to be designated as a PUD and that the land is in single or consolidated ownership at the time of final plan application.
- xxi. The applicant shall submit such materials as may be required regarding: measures proposed to prevent pollution to surface water or groundwater, soil erosion, increased runoff, and flooding; design features intended to integrate the proposed new development into the existing landscape, to enhance aesthetic assets, and to screen objectionable features from neighbors; 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.

8. **SPECIAL PERMIT APPROVAL:**

- a. Approval of a special permit for a Planned Unit Development shall require a two-thirds vote of the Planning Board and should have received Site Plan Approval
- b. Approval of a special permit for a Planned Unit Development shall also constitute approval and compliance with all Site Plan Review requirements under Section XI.C.

9. **DENIAL OF SPECIAL PERMIT:** If the special permit is denied, the developer shall not submit substantially the same petition for two (2) years, except as provided under MGL, Ch 40A, Section 16.

10. **TERM OF SPECIAL PERMIT:** Special permits granted under this chapter shall lapse within two (2) years, excluding the time required to pursue or await the determination of an appeal from

the grant thereof, if a substantial use has not commenced sooner or if construction has not started. The Planning Board may grant an extension, after a due process hearing, for good cause, and shall grant an extension if delay has been caused by the need to seek other permits.

11. **ISSUE OF BUILDING PERMIT:** No building permit shall be issued until the plan, signed by the Town Clerk, is recorded in the Registry of Deeds.
12. **CHANGES FROM RECORDED PLAN:** No construction or reconstruction except as shown on the recorded plan shall occur without a further submission of plans to the Planning Board and a notation to this effect shall appear upon the recorded plan and upon any deeds to any property within the Planned Unit Development.
13. **CONDITIONS FOR APPROVAL:** The plan shall be subject to the following conditions and the Planning Board shall make a determination that the project meets all the requirements of Chapter 40A, Section 9, General Laws, and all the following conditions:
 - a. The Planned Unit Development is consistent with the purposes set out in paragraph H.3.
 - b. The PUD has been reviewed and approved by the Planning Board as to its design and architectural consistency. Further, the Planning Board shall consider and 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. In the case of new construction or additions to existing buildings or structures, the Planning Board shall consider the appropriateness of the size and shape of the buildings or structure both in relation to the land area upon which the building or structure is situated and to the buildings or structures in the vicinity. Further, the Planning Board may, in appropriate cases, impose dimensional and setback requirements in addition to those required by this title. The Planning Board shall not consider interior arrangements or architectural features not subject to public view.
 - c. The PUD contains at least one (1) unit for every eight (8) proposed units or 15%, whichever is greater, as affordable housing units deemed to meet M.G.L., Chapter 40B, Section 20 requirements. Such units shall be affordable in perpetuity.
14. **PERMITTED USES:** In the PUD, the following uses are permitted:
 - 14.1a) **Residential** (CBD, ICZD & R-8)
 - i. Except in free standing residential structures, all residential use shall be only above the ground floor;
 - ii. Residential uses on the same floor as a commercial use are prohibited;
 - iii. Attached dwelling units shall not exceed four units per structure.
 - 14.1b) **Business** (CBD & ICZD)
Restaurants, theaters, professional offices, general retail sales and services, but excluding drive-thru or fast-food restaurants, medical and dental laboratories or centers.

14.2 **APPLICABILITY**

Expansion of buildings or rehabilitation of existing interiors:

- i. Special permits may be granted to PUD projects that are essentially an expansion of the existing building; and if the project meets all parking and Site Plan criteria required by the Planning Board;
- ii. Special permits can be granted to PUD projects that are essentially a major renovation of an existing building if the major renovation involves 80% of the gross floor area, excluding basements, and if the project meets all parking and Site Plan criteria that may be required by the Planning Board;
- iii. Number of dwelling units: The maximum allowable number of units shall be determined by the Planning Board. The decision of the Planning Board in this regard shall consider: 1) size and location of commercial space, if any; 2) physical limitations of building and lot; 3) provision of off-street parking; 4) traffic conditions in the general area; and 5) other conditions specified by the Planning Board.

15. **MINIMUM TRACT AREA:** For new construction and expansion, the minimum lot size required in the underlying zoning district shall apply for PUD development. In R-8, the minimum lot area shall be one (1) acre. All portions of the project area must be zoned as Central Business District, Central Industrial District, or R-8, or a combination of all.

16. **USABLE OPEN SPACE:**

- a. Usable open space shall be defined as a part or parts of land or structure with a PUD which are reserved for permanent active or passive recreation use. This space shall exclude parking areas, but include required setbacks, waterways, walkway, and be open and unobstructed to the sky. Trees, planting, arbors, flagpoles, sculpture, fountains, swimming pools, atriums, open-air recreation facilities, and similar objects shall not be considered "obstructions".
- b. In all PUD projects that are new construction, at least 50% of the land shall be set aside as permanent usable open space, for the use of the PUD occupants, or for the community. The required open space may be conveyed to the Amesbury Conservation Commission, to a nonprofit conservation organization, or to a corporation or trust representing the ownership of the PUD and shall be protected by the conservation restriction as required in Chapter 40A, Section 9, General Laws, for common open space in cluster developments. A covenant shall be placed on the land such that no part of the PUD can be built, sold or occupied until such time as a satisfactory written agreement has been executed for protection of the open space. Open space requirements may be reduced by the Planning Board to 20% of the land, if over-riding public benefits are proposed in lieu of this requirement. Public benefits that would be considered by the Planning Board are as follows: deeded public parking, historic preservation restrictions as per MGL 184, public open space for use as park or play ground or minimum of 20% of total units as affordable housing that meet the requirements of Chapter 40B Section 20; and

- c. Open space requirements do not apply for PUD projects which are expansions of existing buildings or are major internal renovations. It shall be the objective of this section in cases where private open space has been traditionally utilized by the public; and where the public has been allowed the use of the area as open space, that said open space should not be included as part of the building expansion and is subject under this section of the Bylaw.

17. **SETBACK REQUIREMENTS:** Only for PUD in the Central Business District and Central Industrial District, all structures and facilities within the PUD shall be set back not less than fifty (50) feet from adjacent residential property lines. All setbacks in such PUD maybe reduced to the requirements for the CBD except for attached structures which may be permitted with zero feet side yard setback upon issue of special permit as per Section VI.F.11.

18. **HEIGHT:** No buildings in the PUD shall exceed the height allowed by the underlying zoning district. These provisions are applicable to Planned Unit Developments that are allowed as of right or by special permit.

19. **OFF-STREET PARKING:**

- a. In all PUD projects, adequate off-street parking shall be provided for all vehicles normally visiting the property at any one time. The parking may be ground level, underground or in a garage structure. For all residential uses, the use of municipal parking facilities is not permitted to meet the off-street requirements under this section. Unless otherwise permitted by the Planning Board, parking shall be provided on the land in the same ownership or on a separate parcel, provided the nearest parking space is within 500 feet of the principal entrance to the building that the parking lot will serve, and further provided that an agreement will be recorded dedicating the particular parcel to parking use for the long-term use of the buildings in the PUD. A copy of the aforesaid agreement shall be provided to the board before approval of special permit. Parking shall be provided at the following rates, for the different types of use proposed for the PUD project:

USE	MINIMUM SPACES REQUIRED
Apartments, condominiums	1.5 spaces per unit
All commercial & business activities	As required in Section VIII.7, Parking Regulations

- b. The off-street loading requirements for all uses located in a mixed use shall comply with this Bylaw, or as otherwise approved by the Planning Board.