

SECTION 7.0 SPECIAL RESIDENTIAL REGULATIONS

7.1 MAJOR RESIDENTIAL DEVELOPMENT

7.1.1 Purpose. The purpose of Subsection 7.1 is to ensure that residential development, pursuant to this Section, to the maximum practical extent respects and preserves the natural features of the land, including wetlands and water courses, those lands which may be identified as sites of significant species of plants and/or wildlife, historic sites, and the rural character of the community which is exemplified by large continuous areas of forested wildlife habitat. In the interest of promoting these objectives, and in order to ensure that the Town is able to continue to provide adequate services to all residents, development shall be permitted on lots of lesser dimension than would otherwise be required if the conditions set forth elsewhere in this Section are met.

7.1.2 Applicability.

1. To Major Residential Development: In order to further the objectives of Major Residential Development enumerated above, Major Residential Development shall only be allowed by Special Permit from the Planning Board. The requirements and standards for such Special Permits are enumerated below.
2. To Minor Residential Development: At the owner's option, an application can be made for a flexible development Special Permit for a Minor Residential Development in preference to filing a conventional development plan.

7.1.3 Special Permit Application. Applicants for a Major Residential Development shall file with the Planning Board a Special Permit Application Form and the following:

1. Four copies of a development plan conforming to the requirements for a preliminary subdivision under the Subdivision Rules and Regulations of the Planning Board. Such plan shall also indicate topography and wetlands, the results of deep soil test pits and percolation tests at the rate of at least one per every five acres, but in no case fewer than five per Major Residential Development, and an outline of the area within each building lot on which a building may be placed, taking into account setbacks and buffers as specified in Subsections 4.2 and 7.1.5 of the Zoning By-Laws.
2. Four copies of an environmental impact statement (EIS) as required by the Subdivision Rules and Regulations, but which also includes a specific comparison of the impacts of a flexible development to those that would result from conventional development of the property, or if the application is for a conventional development plan, the EIS should discuss the specific site characteristics which make the conventional plan the best development option, given the purpose and design guidelines for Major Residential Development.
3. Additional information necessary to make the determinations and assessments cited below, and any application fee and/or review fee as required by the Planning Board.

7.1.4 Standards; Conventional Major Residential Developments. See Subsection 9.3 for the requirements of conventional Major Residential Development.

7.1.5 Standards; Flexible Residential Developments.

1. Basic development density: The maximum number of residential building lots created on a parcel by a flexible development plan shall equal 0.9 times the qualifying land area (as defined in Section 10) divided by 2 acres, which is the minimum lot area requirement for a single-family dwelling.
2. Any lot(s) created by a flexible development plan shall be counted as buildable lots unless restricted from residential use.
3. Reduced minimum lot size: The Special Permit may provide that the size of some or all buildable lots may be smaller than 2 acres subject to all of the following:
 - a. Lots may not be smaller than 1.5 acres.
 - b. The total number of lots may not exceed the maximum density as calculated in 7.1.5.1, above.
 - c. Such clustering of development will significantly contribute to fulfillment of the design guidelines in Subsection 7.1.5.5 below.
 - d. The Board of Health advises the Planning Board in writing of its preliminary approval of provisions for water supply and sewage disposal for lots smaller than 2 acres.
 - e. Lot frontage for buildable lots shall be two hundred (200) feet except that implementation of the design guidelines may also be considered as a reason for approving lots on private roads which have less than the minimum frontage, but in no case may lot frontages be less than one hundred fifty (150) feet and have less than one hundred fifty (150) feet of lot width. Lots on municipal roads must have at least two hundred (200) feet of frontage and lot width.
 - f. All buildings or other structures to be constructed must at least meet the minimum setback requirements of Subsection 4.2 in regard to abutting properties. To protect abutting properties from undue impact from the clustering of dwelling units, the Planning Board may require greater building setbacks and the maintenance and/or planting of buffers of native vegetation on the perimeters of the developments. The Planning Board's decision, however, may allow that setbacks for structures from interior lot lines be of lesser dimension than the minimum but in no case may setbacks be less than 75% of the minimum setbacks as established by Subsection 4.2.
 - g. There shall be no further subdivision of lots created by a flexible development Special Permit.
4. Increased Maximum Density: The Special Permit may provide that the number of buildable lots may exceed the maximum density as calculated in Subsection 7.1.5.1 above subject to all of the following:
 - a. The total number of lots may not exceed 33 1/3% more than the maximum density as

calculated in 7.1.5.1.

- b. Lots may not be smaller than 1.5 acres.
- c. The Board of Health advises the Planning Board in writing of its preliminary approval of provisions for water supply and sewage disposal for lots smaller than 2 acres.
- d. A parcel of land which may be non-contiguous with the development and determined by the Planning Board, following consultation with the Conservation Commission, to be of special resource value because of special habitat, visual importance, or other quality which distinguishes it from land in the Town generally, and which could, under Subsection 7.1.5.1 above, have a maximum density of at least 50% of the maximum density of the development, is by permanent conservation easement or restriction made Dedicated Open Land as defined in Section 10 of these Zoning By-laws.
- e. Lot frontage requirements for buildable lots shall be two hundred (200) feet except that implementation of the design guidelines may also be considered as a reason for approving lots on nonmunicipal, privately owned roads which have less than the minimum frontage, but in no case may lots have less than one hundred fifty (150) feet frontage and have less than one hundred fifty (150) feet of lot width. Lots on municipal roads must have at least two hundred (200) feet of frontage and lot width.
- f. All buildings or other structures to be constructed must at least meet the minimum setback requirements in Subsection 4.2 in regard to abutting properties or ways. To protect abutting properties from undue impact from the clustering of dwelling units, the Planning Board may require greater building setbacks and the maintenance and/or planting of buffers of native vegetation. The Planning Board's decision, however, may provide that setbacks for structures from interior lot lines be of lesser dimension than the minimum, but in no case may setbacks be less than 75% of the minimum setbacks as established by Subsection 4.2.

5. Design Guidelines. Lots shall be laid out, to the greatest extent feasible, to achieve the following objectives:

- a. Preserve and maintain existing fields, pastures, and woodlands.
- b. Maintain or create a buffer of natural vegetation of at least fifty (50) feet in width adjacent to surface waters and wetlands, as defined in 310 CMR 10.00.
- c. Leave unblocked or uninterrupted scenic views and vistas particularly as seen from public roads, special places or scenic ways.
- d. Protect the habitat areas of species listed as endangered, threatened or of special concern.
- e. Preserve stone walls, historic and prehistoric sites and their environs in so far as needed to protect the character of the site.

f. Maintain the visual integrity of hilltops and ridge lines by sighting development so that building silhouettes will be below the ridge line or hilltop or if the area is heavily wooded, the building silhouette will be at least sixty (60) feet lower than the average canopy height of trees on the ridge or hilltop.

g. Minimize road construction by utilizing common driveways wherever feasible.

6. **Dedication of Open Land.** Any proposed open land, unless conveyed for conservation/recreational use to the Town of Becket or a non-profit land conservation organization, approved by the Planning Board, shall be covered by a restriction enforceable by the Town or non-profit land conservation organization providing that such land shall be used only for the purposes specified in the Special Permit. The restriction shall provide that the lot be kept in its natural state or be used for woodland and agricultural operations, including, but not limited to, the cultivation and harvesting of crops, flowers, and hay, the planting of trees and shrubs and the mowing of grass, the grazing of livestock, the construction and maintenance of fences necessary or appropriate in connection therewith, provided such activities are in accordance with good woodland and agricultural management practices, or publicly accessible recreational facilities to be constructed at the applicant's expense under the supervision of the Recreation Committee.

7. **Commonly Owned Land and Facilities.** If dedicated open land or community recreation facilities, subject to restrictions established by the Special Permit, are to be owned jointly or in common by the owners of lots, maintenance of the common land or facilities shall be permanently guaranteed through the establishment of an incorporated homeowner's association which provides for mandatory membership by the lot owners, assessments for maintenance expenses, and lien to the Town of Becket in the event of lack of maintenance. Documents creating such association shall be submitted to the Planning Board for review and shall be recorded in Registry of Deeds as a condition of the Special Permit.

7.1.6 Review. The Planning Board shall submit copies of the Special Permit application and related documents to the Board of Health and Conservation Commission for an advisory opinion in accordance with G. L. c. 40A, §11.

7.1.7 Decision. The Planning Board may approve the Special Permit for the Major Residential Development if it finds that the development plan on balance will better serve the Town and the neighborhood surrounding the development than the development allowable without such approval. The Planning Board may not deny a Special Permit on the sole basis that a proposed development is flexible or is conventional. In reviewing the Major Residential Development Special Permit, the Planning Board shall consider the following:

1. The enhancement of the community interests listed in the purpose Section and expressed in the design guidelines.
2. If the development is flexible, the degree of the development's impact on immediate abutters and the surrounding neighborhood in comparison to the impacts of a conventional development plan.
3. Maintenance and future management of natural habitat (flora and fauna) areas.

4. The impact on ground and surface water quality.
5. Protection of historic sites or sites of prehistoric or archaeological significance.

7.1.8 Conditions. The Planning Board may set forth conditions in its decision including but not limited to the following:

1. Granting of a covenant or easement to ensure that existing fields or pastures will be plowed or mowed periodically with attention given to the requirements of existing animal and plant species.
2. Granting of an easement providing and defining rights of public access.
3. Designation of no-cut limited clearing areas on lots.
4. Measures to ensure the maintenance of scenic views and vistas.
5. If the number of lots approved is less than the basic development density calculated in accordance with Subsection 7.1.5.1, the decision shall state whether there is potential for a future increase in density, and if so, the conditions under which such an increase would be approved.
6. Specific approval of the uses allowed in designated open space and recreational areas including the requirement that before construction of any recreational structures such as tennis courts, swimming pools or accessory clubhouses, plans be submitted to the Planning Board for Site Plan Approval.
7. A development schedule limiting the rate of development for the premises, taking into consideration the intent of avoiding large year-to-year variations in Town-wide development rate while allowing development consistent with historic average rates, and also taking into consideration the housing cost and feasibility consequences of the limitation, and the ability of the Town to provide needed services to the site and its residents in a timely manner. In no event shall a development be limited to fewer than six lots or dwelling units per year, or be obliged to spread development out over more than eight years.
8. Building setback requirements different from those of Subsection 4.2, as described herein.
9. A requirement that a developer make improvements to public ways providing access to a Major Residential Development as may be determined necessary by and under the supervision of the Town Highway Superintendent in consultation with the Planning Board, or that the developer provide funds to the Town to make such improvements.

SECTION 8.0 SPECIAL DISTRICTS

8.1 FLOOD PLAIN OVERLAY DISTRICT (FPOD)

8.1.1 Purpose. The purpose of the Flood Plain Overlay District (FPOD) is to:

1. Ensure public safety through reducing the threats to life and personal injury;
2. Eliminate new hazards to emergency response officials;
3. Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
4. Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
5. Eliminate costs associated with the response and cleanup of flooding conditions;
6. Reduce damage to public and private property resulting from flooding waters.

8.1.2 Existing Regulations. All development on the district including structural and non-structural activities whether permitted by right or by Special Permit must be in compliance with the following:

1. 780 CMR, of the Massachusetts State Building Code which addresses flood plain and coastal high hazard areas;
2. 310 CMR 10.00, Wetlands Protection Regulations, Department of Environmental Protection (DEP);
3. 302 CMR 6.00, Inland Wetlands Restriction, (DEP);
4. 310 CMR 15, Title 5, Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, (DEP);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

8.1.3 Definitions.

Area of special flood hazard is the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, AL-30, AE, or A99.

Base flood means the flood having a one percent chance of being equaled or exceeded on any given year.

Development means any man made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling