

PROPOSED REVISIONS TO LARGE LOT FRONTAGE REDUCTION BYLAW
April 14, 2022

§ 300-7.5. Large lot frontage reduction special permit.

A. Intent. The intent of this large lot frontage reduction is to permit greater flexibility and more creative and imaginative design for the development of residential areas than is generally possible under conventional zoning provisions. It is further intended to promote more economical and efficient use of the land, while preserving the natural environment and scenic qualities of open space which otherwise might be lost.

~~**Commentary: The Planning Board may grant by special permit the right to build on a large parcel that has insufficient frontage by right to build on but is large enough to create a subdivision with a road and multiple lots.**~~

B. Special permit granting authority. The Planning Board shall be the special permit granting authority for large lot frontage reduction in the Town of Upton and is authorized to hear and decide upon applications for special permits for large lot frontage reduction in accordance with the provisions of this zoning section.

C. Application in zoning districts. A residential lot with reduced frontage may only be permitted by a special permit in all residential districts where residential use is permitted by right in accordance with the requirements and regulations of the Town of Upton Zoning Bylaw.

D. Application.

(1) Applicants are required to submit a special permit application and site plan, conforming to the requirements of this bylaw, to the Planning Board for approval.

(2) Contents of special permit application. The application for a large lot frontage reduction special permit shall be accompanied by a site plan including all of the information listed below:

(a) A special permit application.

(b) A site plan shall conform to the latest ANR (MGL c. 41, § 81P) drawing requirement that the Town of Upton has.

(c) Documentation that the lot can be developed as a conventional subdivision, including, but not limited to a schematic site plan. The Planning Board, at its sole discretion, may also require perc tests, wetland delineations, and any other documentation deemed necessary.

E. Public hearing. The Planning Board shall hold a public hearing and shall file its decision with the Town Clerk as required by MGL c. 40A, § 9.

F. Approval.

(1) Upon receipt of the application and required plan, the Planning Board shall transmit one copy each to the Board of Health and Conservation Commission. Within 45 days of their receipt of the application/plan, these agencies shall submit any recommendations to the Planning Board. The Planning Board shall act on applications according to the procedures specified in MGL c. 40A, § 9. Notice shall be provided of hearings in accordance with MGL c. 40A, § 11.

~~Commentary: Compliance with the time frame requirements of MGL c. 40A is necessary in order to prevent constructive grants.~~

(2) Special permits shall be granted by the Planning Board, unless otherwise specified herein, only upon its written determination that the benefits to the Town and the neighborhood outweigh the adverse effects of the proposed use, taking into account the characteristics of the site and of the proposal in relation to that site. **The following shall also be considered:**

The Planning Board may grant by special permit the right to build on a large parcel that has insufficient frontage by right to build on but is large enough to create an alternative potential subdivision with a road and multiple lots. However, the possibility of such an alternative potential subdivision shall not necessarily be sufficient justification to grant a special permit. The Planning Board may weigh other factors such as the likelihood or practicality of such a subdivision being built, or scenarios where a proposed Large Lot Frontage Reduction (LLFR) lot is adjacent to an existing LLFR lot (which is generally discouraged), or any other factors deemed appropriate, as may be in the best interest of the town. Additionally, in extraordinary circumstances, the Planning Board may grant a LLFR special permit even if the possibility of an alternative potential subdivision does not exist, provided there is a finding that granting said permit is in the best interest of the town.

(3) Specific criteria:

- (a) The parcel has a minimum of 70 feet of frontage along a public way;
- (b) The parcel contains a minimum of three times the land area it would normally require in each district;
- (c) A ~~sixty-five~~-65-foot-diameter circle must be able to pass from the frontage through to the front building line without touching a side lot line;
- (d) The front setback dimensional requirement shall be increased by a factor of three times; all other dimensional requirements of the district in which the parcel is located shall apply;
- (e) The parcel shall be accessed from its frontage only. **Cul-de-sacs may not be used to satisfy frontage;**
- (f) **Any access road or driveway serving a lot created under this bylaw must be set back at least 10 feet from adjacent property lines;**
- (g) **No development other than a driveway is allowed in any access strip to a lot created under this bylaw;**
- (h) **Access to an LLFR lot shall not serve as access to any future development;**
- (i) **Any conforming parcel already developed with a home may not be rendered non-conforming as a result of the provisions of this bylaw;**
- (j) **No more than two LLFR lots shall be created from any parcel;**

(k) It is not the intent of this bylaw to modify an existing conforming lot into multiple LLFR lots such that none of the resultant lots are conforming.

(4) In addition to any specific criteria that may be set forth in this bylaw, the determination shall have consideration of each of the following:

(a) Adequacy of vehicular and pedestrian traffic safety on and off the site;

(b) Adequacy of utilities and other public services;

(c) Impacts on the natural environment.

G. Conditions. The special permit may be granted with such reasonable conditions, safeguards, or limitations on use, including performance guarantees, site construction requirements, inspection requirements, and owner/occupancy reporting requirements, to satisfy compliance with the special permit. The Planning Board may require additional conditions as it finds reasonably appropriate to safeguard the health, safety, and welfare of the existing neighborhoods and the Town of Upton or otherwise serve the purpose of this bylaw.

H. Change in plans after grant of special permit.

(1) No change in any aspect of the approved plans shall be permitted unless approved, in writing, by the Planning Board. A new or amended special permit will be required if the Planning Board determines any proposed change to be substantial. The Planning Board shall hold a public hearing if the proposed change is determined to be substantial, in accordance with the provisions of this bylaw. [Amended 5-8-2021 ATM by Art. 16]

(2) No land for which a special permit for a large lot frontage reduction has been granted shall be further subdivided or be granted additional zoning waivers.

(3) A note shall be placed on the plans stating that no further subdivision of any new LLFR lots created via this bylaw is permitted.

I. Lapse. The special permit shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 24 months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in MGL c. 40A, § 17, from the grant thereof) with the Town Clerk.