

Public Service	Minimum Lot Area (square feet)	Minimum Lot Frontage (feet)
Public sewer and water	12,000	100
Public sewer or water	21,780	130
Neither public sewer nor water	43,560	200

- A. In a shopping center development or an industrial park complex, more than one structure shall be allowed on a lot. Structures may be arranged in any convenient or desirable manner on the lot.
- B. Maximum height of all structures shall be three stories or 40 feet.
- C. Minimum yard dimensions shall be as follows: front yard 30 feet; side yards and rear yard 20 feet. The side and rear yard dimensions will be 50 feet when adjacent to a Residence or Multifamily Residence District.

§ 18. Requirements for all districts.

- A. In any district, the limitation on height of structures shall not apply to chimneys, ventilators, towers, spires, or other ornamental features of buildings if the features are in no way used for living purposes.
- B. If the dwellings or other principal buildings located on each side of a particular lot, and adjacent thereto, have an average setback from the center and/or exterior line of the street of less than 30 feet, the Zoning Board of Appeals may authorize, on the particular lot in question, a building, structure, sign or open use having a setback of not less than said average.
- C. No accessory building or structure shall be permitted within the required front yard area, and no accessory building shall be located in any side yard area nearer to the side lot line than 10 feet, except that when the side yard is on a corner and is adjacent to a street, the minimum shall be 30 feet.
- D. No accessory building or structure shall be permitted within 10 feet of the rear yard area or nearer to another principal or accessory building than 10 feet.

ARTICLE V
Heights Planned Development District (HPDD)

§ 19 Purpose

The Heights Planned Development District (HPDD) is a flexible mixed-use district planned in accordance with the Reuse Plan for the redevelopment of the former Rutland Heights Hospital property and the Commonwealth of Massachusetts disposition legislation, Chapter 245 of the

Acts of 2000 (the “Act”). It is the intent of said Act that the Rutland Development and Industrial Commission (RDIC) be the developer of the site. The purpose of the HPDD is to provide for the reuse and redevelopment of the former Rutland Heights Hospital property in an effort to (i) create jobs and new economic opportunities in the Rutland area; (ii) promote a mix of uses of the site including but not limited to light industrial, manufacturing, offices, retail, senior housing, recreation and municipal uses, and (iii) provide development and architecture in a setting that reflects the aesthetics and character of the Town of Rutland. It is the specific intent to prohibit single-family homes, (unless in conjunction with a senior housing project) public schools, and hotel/inns in the HPDD.

§20 Definitions Specific to the HPDD

"Applicant" shall be any person, corporation or other entity that completes an application in accordance with Section 25B with the intent of developing any portion of the HPDD in accordance with Chapter 245 of the Acts of 2000, the Reuse Plan and the Rutland Zoning By-laws.

"Concept Plan" shall mean the first set of conceptual plans presented for review by the HPDD Review Board under Section 25B, prepared prior to moving forward with detailed engineering and Formal Site Plans.

"District" or "HPDD" shall mean the Heights Planned Development District comprising the 88-acre +/- locus of the Rutland Heights State Hospital property.

"Formal Site Plan" shall mean iterations of the Formal Site Plans after the Concept Plan has been approved by the HPDD Review Board. The Formal Site Plans may evolve through the public review process and become more detailed in time.

"HPDD Review Board" The HPDD Review Board shall consist of five (5) members appointed by the RDIC; two (2) from the RDIC, one (1) member of the Zoning Board of Appeals, and two (2) members at-large. The initial terms will consist of one (1) member of the RDIC appointed for three years, one (1) member of the RDIC appointed for two (2) years, the Zoning Board of Appeals member will be appointed for three (3) years, member's at-large will be one (1) appointed for two (2) years and one (1) appointed one (1) year. At the conclusion of each member's initial term the position will be reappointed for three years.

"Open Space" shall mean any parcel of land or water essentially unimproved to be set aside, dedicated, designated, or reserved as such.

"Master Plan" shall refer to the Rutland Master Plan prepared by the Rutland Planning Board and approved by town meeting vote in May, 2000 as the same may be amended.

"Reuse Plan" shall refer to the Rutland Heights Reuse Plan prepared by the Land Planning Committee in consultation with the Massachusetts Division of Capital Planning (now Division of Capital Asset Management) and approved by town meeting vote in May 1997 as the same may be amended.

"RDIC" shall refer to the Rutland Development and Industrial Committee, which shall have development control over the HPDD.

"Submission date" shall be the day that the Application is filed with the town clerk.

§21 Jurisdiction

The RDIC shall have the authority to approve Concept Plans that are consistent with the Reuse Plan, the Act, the Master Plan and this zoning bylaw for further review under this section. The HPDD Review Board shall have jurisdiction over Formal Site Plan Review for development proposed within the HPDD as set out hereunder or in the Planning Board's regulations. It is the intent of this section that the applicant work closely with the HPDD Review Board in the early stages of plan development to identify appropriate site planning goals and challenges.

In the event there is a conflict, inconsistency or ambiguity, the Rutland Zoning By-law as it applies to the proposed use shall govern. This section shall not exempt the Applicant from obtaining all other federal, state or local permits that may be required.

§ 22 Allowable Uses

Allowable uses include business or light industrial uses; small retail; recreation; open space and senior housing, including independent, assisted or congregate living facilities and renewable energy or allowable revisions under reuse plan. Any development within the HPDD shall require Formal Site Plan Review by the HPDD Review Board. The HPDD Review Board may allow any compatible uses not clearly defined herein upon a finding that the nature and scale of use is consistent with the intent of this section.

§23 Mix of Uses

To maintain a planned development that is in keeping with the Master Plan and the Reuse Plan, the development uses set forth below are permitted uses. To provide for the most desirable site planning, including location of buildings and open space to best protect the scenic qualities, natural resources and provide the most efficient use of the site for the anticipated mix of uses, sub-districts of permitted uses are not specifically defined; rather, the Applicant and HPDD Review Board shall determine the most appropriate use and site layout through the public review process.

A Business/Light Industrial Park type uses

The acreage located in the rear of the property as set forth on the Reuse Plan shall have as its preferred uses, both business and light industrial uses. It is however the intent of this bylaw, in conjunction with Section 22, to allow any of the uses as may be approved in accordance herewith.

B. Senior Housing

Is allowed within the HPDD and the eligibility thereof shall be defined by Mass General Laws and Title 19 XIX and Title 18 XVIII of the Social Security Acts.

C. Recreational

Recreational development is allowed within HPDD area.

Conversion of Open Space: It is the intent of this bylaw that the land designated as Open Space shall remain protected from development until such time as the RDIC recommends that any portion of such land should be utilized for expansion of any allowable uses on site.

§ 24 Setback Requirements

Setback requirements shall be as follows:

- a. A minimum (30) foot buffer shall be provided at the rear and side district lines of the HPDD. The HPDD Review Board may require a larger buffer depending upon the incompatibility of abutting uses.
- b. Non-residential structures shall not be located closer than (30) feet to any residential structure.
- c. All structures and uses shall also comply with the Town of Rutland Zoning Bylaw.

§ 25 Process

Any agreement to rent, convey, or otherwise dispose of an interest in real property, or to acquire and interest in real property by purchase or rental must conform to Chapter 32B of the Massachusetts General Laws, uniform Procurement Act.

A. Pre-Application Conference

Proposals shall only be received from Applicants as defined herein. The Applicant is strongly encouraged to confer with the RDIC to obtain information and guidance before entering into binding commitments, preparation of plans, surveys, engineering or other development preparations.

B. Submission of Concept Plans

The Applicant shall file ten (10) copies of the Concept Plan accompanied by the Application Form titled "Application for review of Concept Plan in HPDD", a Narrative description of the proposal and two thousand five hundred (\$2,500.00) dollars filing fee by delivery to the RDIC. A copy of the Concept Plan and the Application Form and Narrative shall also be filed concurrently in the Office of the Town Clerk. The official submission date, from which review periods are calculated, shall be the date of receipt by the Town Clerk.

C. HPDD Review Board Review of Concept Plans

- (1) The RDIC shall distribute copies of the Concept Plan within fifteen (15) days of the submission date to the HPDD Review Board, Planning Board, Board of Selectmen, Building Inspector, Zoning Board of Appeals, Department of Public Works, Conservation Commission, Recreation Commission, Board of Health, Fire and Police chiefs for review and comment by said boards and commissions. Comments must be received prior to the scheduled public hearing date. The HPDD Review Board shall within forty five (45) days of the submission date hold a public hearing to review the Application including but not limited to:
 - a. type and location of uses;

- b. amount of useable open space and its interconnection with built uses on and off site;
- c. aesthetics of scale and architecture of the proposed buildings consistent with the type of use;
- d. ability to provide local jobs, senior housing needs, and community recreation;
- e. compliance with the Act, Reuse Plan and Rutland Master Plan; and
- f. scope and suitability of green initiatives.

(2)The Applicant shall address the comments of the HPDD Review Board in its revision to the Concept Plan. The Applicant may elect to continue the concept plan review to permit review of the revised Concept Plans prior to developing more detailed Formal Site Plans or may immediately prepare and file Formal Site Plans for the development.

D. Contents of Concept Plan

The Concept Plan is intended to be preliminary in nature, , while providing critical information necessary to review the proposed location of buildings, roadways, trails and other uses on the site. The following items are required to ensure that the Concept Plan is adequate for "planning purposes" and to allow an applicant an opportunity to explore the feasibility of its proposal:

1. Property Boundaries, north point, date, scale, legend, and title block including the title "Concept Plan: Heights Planned Development District", the name or names of applicants, and engineer or designer.
2. Proposed land uses for each area of the site, and approximate location of proposed streets.
3. Approximate location of existing wetlands, open water, streams and the topography. This information can be extrapolated from USGS maps and information available from existing documents.
4. Existing and proposed buildings, structures and proposed open space in a general manner.
5. The natural features of the site, including wetlands, floodplains, steep slopes, known soil conditions, and other features requested by the HPDD Review Board.

E. Submission of Formal Site Plans

Following a review and approval of the Concept Plans by the HPDD Review Board, the applicant shall file ten (10) copies of the Formal Site Plans accompanied by the application form titled "Application for review of Formal Site Plan in HPDD", a detailed Narrative description of the proposal and filing fee of five thousand (\$5,000.00) dollars to the HPDD Review Board by delivery to the RDIC. A copy of the Formal Site Plan, the Application Form and Narrative shall also be filed concurrently in the Office of the Town Clerk. The official submission date, from which review periods are calculated, shall be the date of receipt by the Town Clerk.

F. HPDD Review Board Review of Formal Site Plan

The RDIC shall distribute copies of the Formal Site Plan within fifteen (15) days of the submission date to the HPDD Review Board, Planning Board, Board of Selectmen, Building Inspector, Department of Public Works, Conservation Commission, Recreation Commission, Board of Health, Fire and Police chiefs for review and comment. The HPDD Review Board shall within forty five (45) days of the submission date of the Application hold a public hearing and a decision shall be made within ninety (90) days of the submission date, unless extended by mutual consent of the Applicant and the HPDD Review Board in writing.

The HPDD Review Board may grant, grant with conditions, or deny the site plan; however, it shall not deny a site plan unless it fails to furnish adequate information for review of the project or fails to meet the requirements related to the various considerations imposed by this By-law, the Act, and the Reuse Plan, or the Rutland Zoning Bylaw.

G. Contents of Formal Site Plan

The Formal Site Plan is intended to follow the Concept Plan, which has the benefit of public input and direction of the HPDD Review Board. The Formal Site Plan shall therefore contain all necessary detailed information to address issues raised in the concept phase. The Formal Site Plans shall include the following items, unless waived by the HPDD Review Board.

1. Property Boundaries, north point, date, scale, legend, and title block including the title "Formal Site Plan: Heights Planned Development District", the name or names of applicants, engineer or designer, and signature and seal of licensed or registered professionals who prepared the plans.
2. Proposed land uses for each area of the site, location of proposed streets, buildings, and other structures.
3. Location of existing wetlands, open water, streams, stonewalls, fences, trees larger than 15 inches (trees only in areas of the site to be developed) and other significant natural or man-made features.
4. Topography as determined by a Massachusetts licensed surveyor. Topography shall be shown at 2-foot contour intervals in all areas of the site to be developed. All elevations shall be North American Vertical Datum (NAVD) of 1998.
5. Proposed contours shown on the same sheet as existing topography.
6. Setbacks to property lines, adjacent uses and buildings where such uses or buildings are less than 200 feet distant.
7. Street and utility construction plans and profiles for each street or way, consisting of the layout plan of the street within the site and beyond it to the limit of the proposed construction necessary to provide adequate access and connection of municipal services, and of a profile matching the layout and located on the plan for ease in identifying corresponding points.

8. All existing and proposed construction features, such as pavement, walks, curbing, drains, catch basins, manholes, water mains, other underground conduits where known, retaining walls, traffic islands, grass plots, bituminous berms and gutters. Centerline stations shall be designated at 100-foot intervals and at or opposite points of tangency, angles in street line, manholes, catch basins and culverts.
9. All crossings of wetland resource or stream areas must have a detailed cross-section prepared with the following information: depth of organic soils, proposed limits of work and excavation, culvert location and size, and any other available data pertinent to the design of the crossing.
10. The size and location of existing and proposed water mains, sewer lines, storm drains and appurtenant facilities for water, sewer and other municipal services within or in the vicinity of the site.
11. Detail drawings shall be provided as necessary to show any special construction features, deviating from or not covered by standard specifications.
12. A plan for the control of erosion and sedimentation.
13. A statement as to ownership of the roads and ways and if said ways are to be public, a plan for maintenance of such ways, easements and roads for the time prior to acceptance by the Town.
14. Suitable space to record the action of the HPDD Review Board, including space for reference to any conditions or limitations of approval, the date, signatures of Board members, and the Town Clerk's certificate of no appeal.

The Applicant and HPDD shall comply with the Rules and Regulations of the Planning Board as they relate to Definitive Plans for details related to the above requirements.

§ 26 Minimum Requirements

The HPDD Review Board shall have the authority to review the Formal Site Plans in accordance with the review criteria specified herein and in Article XIV, Site Plan Review of the Town of Rutland Zoning Bylaw. The Plan shall be subject to the following conditions and the HPDD Review Board shall make a determination that the project meets all of the following conditions before approving, approving with conditions, or denying any site plan:

- a. The project is consistent with the purposes set out in this Section 23, Heights Planned Development District.
- b. Vehicular ingress and egress from the site is designed so as to avoid hazard to vehicles or pedestrians.
- c. Parking facilities are provided for each use and structure in the development.
- d. Facilities or functions that require location within scenic areas (e.g. tops of hills or street frontage) are designed to be visually compatible with the natural or historical characteristics.

- e. The project does not adversely affect the natural environment to the detriment of community character, public health or safety.
- f. Land uses are located so as to allow aesthetic circulation between one use and another; undeveloped land is located in a manner that provides active and passive recreation, resource protection and pedestrian/wildlife links to adjacent uses on and off site, where feasible.

ARTICLE VI
Open Space Design Option

§ 27. General description.

This article is intended to supplement the Rutland Zoning Bylaw (hereinafter referred to as "this bylaw"). An open space design shall mean a residential development in which the buildings and accessory uses are clustered together with reduced lot sizes into one or more groups. The land not included in the building lots or street rights-of-way shall be dedicated as permanently preserved open space. Overall housing density shall not exceed that which could be built under a conventional development plan.

§ 28. Purposes.

The purposes of open space design are to:

- A. Protect open land for conservation, forestry, agriculture, surface water and groundwater resource protection, wildlife habitat, outdoor recreation, and scenic or historic value;
- B. Encourage land uses which are harmonious with natural features and existing observation points through more sensitive siting of buildings and better overall site planning;
- C.. Enable economical street, utility, and public facility installation and maintenance and efficient provision of municipal services; and
- D. Encourage a range of housing development alternatives which add recreational and aesthetic amenities to neighborhoods and allow for integration of a variety of housing styles and design approaches while protecting individual property rights.

§ 29. Applicability; special permit granting authority.

Applicants proposing residential development on lands of five acres or greater within the Residence District may apply for special permits to allow open space design as specified in § 36 of this article. For the purposes of this article, the Rutland Planning Board (hereinafter called "the Board") shall act as the special permit granting authority.