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## ARTICLE 7. PLANNED UNIT DEVELOPMENTS (PUDS)

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### Section 7.1 General Purpose

- (A) The purpose of planned unit developments (PUDs) is to accommodate new development in a manner that maintains town's traditional settlement patterns and is compatible with the character of its surroundings as described in the *Orwell Town Plan* and the purpose of the zoning district(s) in which the project is located.

### Section 7.2 Coordination with Other Review Processes

- (A) Applications for PUDs will be reviewed simultaneously with application for subdivision review.
- (B) Approval for a PUD that involves the development of one or more conditional uses will not exempt the project from conditional use review. The applicant may request that the conditional use or any other applicable review be done concurrently with the PUD review.
- (C) At the time of PUD approval, the DRB will include in its written decision a clear indication of all approved modifications of the district(s) development standards. The DRB may approve PUDs with conditions related to the location, scale, density, intensity and/or overall design of future development within the PUD.

### Section 7.3 Applicability

- (A) The PUD provisions may be applied to any sized parcel to be subdivided in the Town of Orwell at the request of the applicant.
- (B) The PUD provisions **must** be applied to subdivisions that meet any of the following criteria:
- (1) The subdivision of 7 or more lots from a parcel of any size within a 7-year period regardless of change in property ownership.
  - (2) A major subdivision (4 or more lots) from a parcel in the Rural District that was 50 acres or larger in size as of the effective date of these regulations.
  - (3) A resubdivision of any lot subdivided from a parcel in the Rural District that was 50 acres or larger in size as of the effective date of these regulations. (This means that a parcel 50 acres or larger in the Rural District as of the effective date of these regulations may be subdivided once resulting in the creation of not more than three lots. The PUD provisions will be applied to any further subdivision of those lots.)

### Section 7.4 Application Requirements

- (A) Applications for a PUD must be submitted in conjunction with a subdivision application. In addition to the subdivision application materials, applications for PUDs must include the following:
- (1) A brief summary of the project and how it meets the standards set forth in this article.
  - (2) A statement describing all proposed modifications of, or changes to, the standards for the district(s) in which the project is located.
  - (3) A statement describing any land that will be set aside as undevelopable for open space or agricultural use including:
    - (i) Its current character and use;
    - (ii) Its proposed future use and management plan; and
    - (iii) Its proposed ownership and the mechanism by which it will be protected.

## Section 7.5 Conservation Areas

- (A) For the purposes of these regulations, conservation areas will include lands with the following characteristics as generally indicated on the official zoning map:
- (1) Lands with slopes of 25 percent or greater.
  - (2) Wetlands as delineated in the National Wetland Inventory.
  - (3) Surface waters with a 30-foot buffer.
  - (4) Deer wintering areas and Natural Heritage sites.
- (B) The conservation areas as generally indicated on the official zoning map are not to be interpreted as a zoning or overlay district. They should serve to inform property owners, applicants, and municipal officials and board members that particular areas of a parcel will require more careful scrutiny during the review process. They should also aid property owners in determining whether any additional state or federal permits might be required for their project. Applicants may provide professionally prepared surveys, reports or assessments to specifically delineate and document any conservation areas on their property.

## Section 7.6 General Standards

- (A) In addition to all applicable subdivision standards, PUDs must meet the following:
- (1) The overall density of the project cannot exceed the number of units permitted if the land were to be subdivided into lots in accordance with the standards for the district(s) in which the land is situated, except as specifically provided for below.
  - (2) The PUD must reflect an effective and unified treatment of the development possibilities of the project site.
  - (3) The development plan must make appropriate provision for the preservation of prime agricultural land and conservation areas as defined in Section 7.5 To that end, (a) the location of roads, driveways and infrastructure should be located and configured to avoid any adverse impact to the conservation areas; and (b) building envelopes should be located outside conservation areas to the great extent possible.
  - (4) Where a district boundary line divides a parcel, the development of a single PUD is allowed with a total density based on the combined allowable density of each district. Development may be located on any portion of the parcel, regardless of zoning district, in accordance with the standards set forth in these regulations.
  - (5) A single PUD may be proposed for multiple individual properties, whether in common or separate ownership.
  - (6) The PUD must be consistent with the goals and policies of the *Orwell Town Plan*.

**Calculating Combined Allowable Density  
for PUDs on parcels in multiple zoning districts**

75 acres in zone with a density of 1:10 = 7.5 units  
13 acres in a zone with a density of 1:25 = .5 units  
5 acres in a zone with a density of 2:1 = 10 units

**Total = 18 units**

## Section 7.7 Rural Standards

- (A) In addition to all applicable subdivision standards and the general standards in Section 7.6, PUDs in the Rural District must be designed to:
- (1) Blend new development into the agricultural or forest landscape; and
  - (2) Maintain the town's rural character, both visually and as a functional working landscape.

- (B) To this end, PUDs must set aside a minimum of 50 percent of the project area as undevelopable land in accordance with the following principles:
- (1) If the parcel to be developed is currently productive agricultural land, the acreage set aside should be of a quality, size and configuration that makes continued agricultural use possible unless the DRB agrees that doing so would negatively impact any shoreland, flood hazard or conservation areas identified on the parcel.
  - (2) If the parcel to be developed is largely forested, forest fragmentation and tree removal should be kept to a minimum.
  - (3) Building envelopes should be located outside the Shoreland Overlay District on parcels that contain land both inside and outside that district unless the DRB agrees that (a) doing so would negatively impact any agricultural land or conservation areas identified on the parcel, or (b) there is insufficient acreage outside the Shoreland Overlay District to accommodate the proposed development.

### **Section 7.8 Shoreland Standards**

- (A) In addition to all applicable subdivision standards, the general standards in Section 7.6 and the Rural District standards in Section 7.7, PUDs in the Shoreland Overlay District must be designed to:
- (1) Prevent erosion, reduction in water quality due to stormwater runoff, and loss of existing shoreline vegetation.
- (B) To this end, the setback and buffer standards set for the Shoreline Overlay District cannot be modified or changed.

### **Section 7.9 Village Standards**

- (A) In addition to all applicable subdivision standards and the general standards in Section 7.6, PUDs in the Village, Neighborhood Commercial and Medium Density Residential Districts must be designed to:
- (1) Be compatible with the character of Orwell's traditional village center as described in the *Orwell Town Plan*.
- (B) To this end, PUDs must:
- (1) Propose lot sizes and setbacks similar to those in the village, unless the DRB agrees that this is not feasible due to issues such as provision of septic and water.
  - (2) Propose roads that extend the village street network or allow for future connections to it, unless the Planning Commission agrees that this is not feasible due to site conditions such as topography.
- (C) PUDs in the Village, Neighborhood Commercial and Medium Density Residential Districts are encouraged to provide a range of housing opportunities. To this end:
- (1) The DRB may approve a bonus that would result in a density not to exceed 4 units per acre if the excess units are dedicated to providing housing for elderly residents, people with disabilities, and households with low to moderate incomes (as defined by the *Orwell Town Plan*). The units must be dedicated to such a purpose through legally binding means for a period of not less than 20 years.
  - (2) The DRB may approve a range of housing types including, but not limited to, apartments, attached dwellings, condominiums, mixed-use structures, mobile homes and multi-unit structures. Consideration will be given to whether the proposed structures and site design will be compatible with the character of Orwell's traditional village center as described in the *Orwell Town Plan*.