

8.3. DEVELOPMENT OPPORTUNITIES DISTRICT (DOD)

8.3.1. **Purpose.** The purpose of the Development Opportunities (DO) District is to authorize the innovative use of certain portions of a defined overlay district for activities appropriate to large land areas by the issuance of a special permit with safeguards and conditions to prevent detrimental effects and impact upon neighboring properties and upon the Town of Middleborough as a whole. The intent of the DO District is to provide opportunities for economic development expansion in a planned multi-use district.

8.3.2. **Overlay District.** The Development Opportunities District is an overlay district superimposed over underlying districts as shown on the Zoning Map of the Town of Middleborough. The provisions of the underlying district remain in full force and effect; provided, however, exercise of rights set forth in the underlying district after the issuance of a DOD special permit shall conform to Section 8.3.6.3, below.

8.3.3. **Special Permit Required.** The Planning Board shall be the Special Permit Granting Authority (SPGA).

8.3.4. **Uses.** The following uses shall be permitted by special permit in the DO District:

1. Manufacturing and industrial uses including processing, fabrication and assembly;
2. High technology activities;
3. Warehouses, wholesale distribution centers;
4. Municipal and public service facilities;
5. Transportation terminal;
6. Hotel or motel;
7. Office building;
8. Medical center;
9. Trade or professional school;
10. Country club;
11. Two or more of the aforesaid uses.

8.3.5. **Uses Accessory to Special Permit Uses.** Uses deemed by the SPGA to be accessory to uses allowed by special permit may be authorized as conditions to special permit. Accessory uses may include retail sales facilities, which are directly related but subordinate to one of the above listed uses, allowed by special permit. The accessory uses must be subordinate in use and importance to the primary use. Any retail sales facility may only sell the same product line that is either stored or produced in regard to the primary use, except that wholesale food distributor may also sell alcoholic beverages in a retail sales facility provided that the sales of such alcoholic beverages do not generate revenues in excess of fifteen (15%) percent of the total gross revenues generated by the entire retail sales facility and provided further that the area where the alcoholic beverages are displayed in the retail sales facility does not exceed ten percent (10%) of the total floor area of the retail sales facilities.

8.3.6. **General Regulations.**

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1. The Planning Board may grant a special permit for any use(s) allowed by special permit in the DO District.
 2. No special permit shall be granted unless the total land area including streets which is the subject of a proposed special permit consists of ten or more acres.
 3. Any of the following matters shall require authorization to revise a special permit from the Planning Board. The procedure, standards and requirements to obtain revision of authorization shall be the same as that for issuance of a special permit:
 - a. Any change in the exterior boundaries of the land or the size of the area which is the subject of a special permit;
 - b. Any change in the boundary or boundaries of any lot within the land area which is the subject of a special permit;
 - c. Relocation or grade alteration of a street;
 - d. Construction of a building or structure or any addition to, alteration of or change in the exterior of any building or structure;
 - e. Any change in use(s) allowed by the special permit or commencement of a use which is permitted as of right or by special permit in the underlying district.
 4. Subsection 3, above, shall not be construed to require revision authorization in the event all or a part of the land which is the subject of a special permit is sold or conveyed unless such sale or conveyance creates a new lot boundary or boundaries within the area which is the subject of a special permit different from a boundary or boundaries existing prior to such sale or conveyance.

8.3.7. **Procedures.** The SPGA for this District shall be subject to the provisions of Section 9.4 applicable to the granting of special permits, including without limitation the requirement to make the affirmative findings of Section 9.4.2. The SPGA shall also make the following affirmative findings:

1. That water and sewerage facilities will be adequate to service the activities without a detrimental effect upon municipal services in any other area of the town.
2. That the activities are consistent with the comprehensive plans of the Planning Board for the general development of the Town of Middleborough as a whole as well as for the DO District.
3. That the activities are compatible with or separated by sufficient space or topographical features from adjacent areas.
4. That resources of open space, surface and groundwater are protected and preserved.
5. That public health and safety are secured.

8.3.8. **Construction.** Streets and utilities to be constructed pursuant to a special permit shall be designed and installed in accordance with the Rules and Regulations Governing the Subdivision of Land of the Planning Board in effect at the time of the filing of an application for a special permit or revision authorization as the case may be.

8.3.9. **Rules and Regulations.** The SPGA shall adopt rules and regulations relative to the procedures to be followed, and the criteria and performance standards for the evaluation of special permit applications and may provide for informal pre-application hearings for the consideration of

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preliminary plans. All special permits shall be exercised in conformity with such rules and regulations. Within fourteen (14) days of the receipt of an application, the SPGA shall refer applications and information, data and testing results to the Board of Selectmen, the Board of Health, the Town Manager, the Water and Sewer Commissioners, the Chiefs of Police and Fire Departments, the Conservation Commission, the Industrial Development Commission and to other Municipal Boards and Officials as the SPGA shall deem appropriate. Such regulations may include, but need not be limited to the following provisions:

1. *Site Plans:* The applicant for a special permit shall submit a site plan prepared by a registered Professional Engineer in the quantities and scale required, oriented to true north and showing boundaries of the district, of the lots in question, names of abutting owners, natural and manmade features, including any wetlands and the boundaries of a wetlands district and the location of existing and proposed structures and means of access, roadways, parking areas, buffer strips, landscaped areas and such other requirements as the SPGA shall adopt in its rules and regulations.
2. *Potential Hazardous Uses:* The SPGA may adopt criteria in its regulations to be used to evaluate dangerous or objectionable elements at the point of origin or at any point beyond for fire and explosion hazard, radioactivity, electrical disturbance, smoke, fly ash, fumes, other sources of air pollution and liquid and solid wastes; and, to evaluate noise and vibration at the lot lines and at specified points, both for daytime and nighttime use.
3. *Traffic Impact Study:* To assist the SPGA in the evaluation of the effect of a proposed activity requiring a special permit, the SPGA may require the applicant for a special permit to furnish information relative to proposed access routes and the relation to existing public ways; an analysis of existing traffic conditions using data relative to road widths and capacities, traffic volumes and conditions at critical intersections. Traffic counts will include average daily volumes and the peak hour AM and PM volumes. Projected future traffic information shall include volume and distribution estimates, critical hour turning patterns at the intersection of access ways with public ways and pertinent information on traffic volume and distribution related to major land development and within two miles of the proposed site. The SPGA may require the applicant to provide a traffic impact analysis of the operating levels of roadways and intersections both before and after the proposed development and including the associated cost to the town necessary to meet the impact of development related traffic; and, also an analysis of the impact of heavy trucking upon roadways and bridges on proposed access routes, together with recommendations for improvements to cope with anticipated traffic impact.
4. *Phased Development:* The SPGA may require that development under a special permit may be authorized in phases, that certain uses shall be commenced within twelve months after the grant of the special permit and that other uses shall be commenced only when a specified proportion of the initial phases have been substantially completed.
5. *Dimensional Provisions:* The SPGA may adopt regulations relative to densities of land use, the bulk and height of structures, yard sizes, lot areas, setbacks, open spaces, parking, use of signs and other dimensional criteria.
6. The SPGA may require an applicant to pay reasonable fees to meet the cost of hearings, notices, publication and other costs of administration.

8.3.10. **Waiver.** The SPGA may waive strict compliance with its regulations when in the judgment of the SPGA such action is in the public interest and consistent with the intent and purposes of the Zoning Bylaws.