

ARTICLE ____. To see if the Town will vote to amend the Westport Zoning By-Laws by adding a new article in the following manner:

ITEM ONE To add Article 19 Noquochoke Overlay District as follows:

ARTICLE 19 NOQUOCHOKE OVERLAY DISTRICT (NOD)

19.0 Purpose

The purpose of the NOD by-law is to provide a mechanism for the approval of:

- A range of housing choices, including but not limited to, moderate-density, multi-family dwellings;
- Housing suitable for households of varying ages, sizes, and income levels;
- Dwelling units that shall be eligible for inclusion on Westport's Subsidized Housing Inventory under the Local Initiative Program of M.G.L. Ch. 40B, as administered by the Department of Housing and Community Development (DHCD);
- Development in a manner that conserves natural features, such as wetland resources, open space, areas of scenic beauty, and vegetated buffers along public ways and adjacent residential properties;
- Development that groups buildings to preserve open space; facilitate efficient provision of utilities; and create a sense of neighborhood and community;
- Development in accordance with a site plan demonstrating a design that is both technically functional and in harmony with both the site and surrounding land uses.
- Development that, by means of site planning and building design, promotes social sustainability.

19.1 Definitions

Development: Any project applied for and/or approved pursuant to Article 19 of the Zoning By-Laws.

19.2 Powers and Administrative Procedure

This Bylaw shall apply to developments in the Noquochoke Overlay District (NOD) as defined in Article 3 of the Westport Zoning By-Laws. Any such development shall require, without limit, a special permit under Article 2 of the Zoning By-Laws and G.L. c. 40A, §9; Site Plan Approval under Article 15; and an Inclusionary Housing Special Permit under Article 13. For the purposes of Article 19, the Planning Board of the Town of Westport (the "Board") is hereby designated as the Special Permit Granting Authority (SPGA). As such, the Board may adopt any additional regulations, forms, fees, design guidelines, and design and construction standards it deems necessary to administer this By-Law, provided that it shall not regulate or restrict the use of materials or methods of construction of structures that are regulated by the State Building Code. In granting a special permit, the Board may, without limit, impose controls on the dimensions, and bulk of buildings to enhance architectural compatibility with the surrounding neighborhood, and on locations of buildings and site improvements to enhance a sense of

community and to ensure public health, safety and convenience and the protection of natural and cultural resources.

19.2.1 Procedures

The Board shall act on all special permit applications as provided by the Rules and Regulations of the Planning Board as a Special Permit Granting Authority.

19.2.2 Consolidation of Permits and Procedures

When approval is sought under this article for a project that requires special permit relief from the Planning Board pursuant to multiple Articles of the Zoning By-Laws such as, but not limited to, Article 13 Inclusionary Housing, and requiring Site Plan Approval where the Board serves as the reviewing authority, the applicant is strongly encouraged to simultaneously apply to the Board for all of the relief and submit all materials and fees initially required by those articles with the application made under this article. Whenever possible and practicable, the Board may consolidate the multiple special permits and site plan approval proceedings, with regard to conducting the public hearings and issuing decisions. If a decision is granted under this article and other relief is addressed as well, whenever possible, the Board will issue an integrated decision for the entire project. Notices for public hearings should reference the Zoning By-Law sections under which relief is sought.

19.3 Permitted and Prohibited Uses

19.3.1 Permitted Uses

Uses allowed by right pursuant to the Table of Use Regulations in the underlying district shall also be allowed by right in this overlay district. The following uses in the Noquochoke Overlay District shall require a special permit:

- a) Developments including Single-family, Two-, and/or Multi-family dwellings with up to 12 dwelling units per building, including structures and facilities accessory thereto,
- b) Community uses accessory to the residential uses,
- c) Projects containing a combination of uses allowed by right and the aforementioned uses.

19.3.2 Prohibited Uses

Those uses prohibited in the underlying district pursuant to the Table of Use Regulations or not expressly allowed in this overlay district shall be prohibited.

19.4 Application for a Special Permit Approval

An application for a Noquochoke Overlay District Special Permit shall adhere to the Rules and Regulations of the Planning Board as Special Permit Granting Authority

19.5 Relationship to Other Regulatory Requirements

The submittals and permits of Article 19 shall be in addition to any other requirements of the applicable sections of the Rules and Regulations governing the Subdivision of Land in Westport, MA, Rules and Regulations of the Westport Planning Board for Site Plan

Approval, and the Rules and Regulations of the Westport Planning Board for Inclusionary Housing Special Permits. Where such requirements conflict, the more stringent requirement shall control unless the Board determines that requirement to be unnecessary to protect the public interest and/or inconsistent with the intent of Article 19.

19.6 Density

The maximum number of dwelling units allowed shall be established by calculations based upon a Net Usable Land Area (NULA) plan for the overall property, submitted by the applicant as part of the initial submission. The NULA acreage shall be established by subtracting all water bodies and any wetland resource area subject to protection under M.G.L. Ch. 131 s. 40 (the “Wetland Protection Act”) and 310 CMR 10.00 (the “Wetland Protection Regulations”) from the gross acreage of the site. The remaining upland area shall be the NULA for the purposes of establishing the number of units allowed in a development. The total number of proposed units within the development shall not exceed eight (8) dwelling units per NULA acre with a maximum of fifty-four (54) total dwelling units in the district. These may be in one-bedroom, two-bedroom, or three-bedroom dwelling units. The percentages of unit types shall be dispersed equally among market-rate units and affordable units. The distribution of unit types shall conform with Westport’s Housing Plan and/or Needs Assessment.

19.7 Area and Dimensional Requirements

There shall be no minimum lot area, frontage, floor area ratio, lot width or yard requirements within the NOD, or for any lot or building within the NOD, except as provided in this section; however, all developments with the NOD shall comply with the applicable requirements of the Aquifer Protection and Flood Plain Overlay Districts. The Board may impose appropriate conditions on the layout, location and size of buildings, structures and open spaces. Nothing contained herein shall relieve the owner of a proposed Development from receiving final approval of a definitive subdivision plan in accordance with the Town’s Subdivision Regulations if the Development proposes subdividing or re-subdividing the development site. In this case, the Special Permit application shall be accompanied by such other data as is required by the Rules and Regulations Governing the Subdivision of Land.

19.7.1 Building Height, Bulk and Setback Requirements

19.7.1.1 Building Height and Bulk

The maximum height of any building in the NOD shall be 35 feet. Building height shall be measured as the vertical distance from the Average Natural Grade under the footprint of the building, to the highest point of the roof assembly. Architectural elements that do not add interior or exterior floor area to a building, such as chimneys, and vents, are not considered part of the height of the building. Average Natural Grade shall be derived from the average elevation of the natural grade along the exterior of the building facing the front lot line or street line and the average elevation of the natural grade along the exterior of the rear or opposite side of the building.

The livable floor area of the third level or floor of a building shall be 50 percent or less of the livable floor area of the second level or floor of that building.

19.7.1.2 Setbacks from NOD Boundary

All buildings, structures and facilities within the NOD shall maintain a minimum setback of 30 feet from the NOD boundary where that boundary coincides with the sideline of American Legion Highway.

The setback of all buildings from the NOD boundary in all other instances shall be at least 1.5 multiplied by the height of the intersection of building wall and roof on the side of the building nearest the NOD boundary.

Other major structures, and major stormwater management facilities, such as retention/detention basins, shall be set back at least 20 feet from the NOD boundary. Other utilities, roads and access driveways, swales, and minor improvements such as accessory buildings shall be set back at least 10 feet from the NOD boundary unless otherwise specified by the Board. All buildings, structures and major facilities within the NOD shall be shielded from adjacent properties by a buffer, adequate in the Board's opinion, which shall contain landscape elements.

19.7.1.3 Separation of Buildings

The minimum separation of buildings within the NOD shall be 20 feet. The Board may require greater separation of between larger buildings or may permit lesser separations if it finds that separation of less than 20 feet meets the purpose and intent of the NOD.

19.7.1.4 Front Yard Setbacks

The minimum front yard setback from the street or access drive within the NOD shall be 20 feet for a single-family or two-family dwelling, and 30 feet for a multi-family dwelling.

19.8 Building Requirements for Multi-family Dwellings

In the NOD, there shall be no more than 12 dwelling units and two garage spaces per dwelling unit in any residential building. The maximum length of any residential building shall be not more than 120 feet.

19.9 Open Space Requirements.

The development shall meet the Open Space Requirements as delineated in section 18.8 of Article 18 Open Space Residential Development (OSRD). Any special permit granted shall contain, as a condition of approval, that the required open space shall be protected by a permanent conservation restriction which shall be recorded before the conveyance of any unit occurs. Said restriction shall be held by the Conservation Commission, a non-profit conservation organization, or an organization or trust representing homeowners in the development, at the option of the Planning Board. The open space shall allow

walking paths and other passive recreational uses, but shall not be use for the siting of any structure, building, septic system, well (drinking water or geothermal) or utilities or pipes.

19.10 Architectural Design, Community Open Spaces and Amenities, and Non-Vehicular Circulation

19.10.1 Community and Private Open Spaces and Amenities

In addition to the contiguous open space required to be restricted to conservation and passive recreational use, the design of the site shall incorporate small private and community outdoor spaces, designed as “outdoor rooms”, such as greens or other landscaped areas, and a system of pathways or sidewalks designed to provide for internal pedestrian circulation among dwellings and other facilities. The open spaces surrounding buildings and within neighborhoods shall provide for plantings and outdoor sitting areas, as well as small gathering and recreational areas for the use of the residents of the development. Outdoor areas for the use of inhabitants of each building shall be provided contiguous to each building with attention being paid to the delineation of public versus private outdoor spaces. Amenities such as porches and landscaped sitting areas may be used to fulfill this requirement. Areas or facilities designed for use by all members of the Noquochoke community or neighborhood shall be distributed in such a manner as to allow easy, non-vehicular, access for all of the Noquochoke residents they are designed to serve, as well as vehicular access, where appropriate.

19.10.2 Non-Vehicular Circulation

Sidewalks shall be provided along at least one side of all streets and/or access driveways within the development unless waived by the Board in favor of equivalent, alternative pathways providing convenient access among all buildings and community amenities. A pedestrian connection shall be provided to American Legion Highway.

19.10.3 Architectural Design

Building design shall be consistent in scale, bulk, materials, color and typology with the architecture of the South Coast of Massachusetts. Private, ground floor entries for each dwelling unit, located on the front of residential buildings are preferred. Window area equivalent to a minimum of twenty-five percent of the first floor wall area of the primary facade of residential buildings is preferred. For larger buildings, variation in roof shape and building form, articulation of the facade, variation of street setback, and other means to enhance architectural interest are encouraged. In granting a Special Permit, the Board may impose conditions to ensure architectural compatibility with the character of the region and/or neighborhood.

19.11 Social Sustainability, Accessibility, and Visitability

Social sustainability is design that acknowledges that a person’s abilities may change over his or her lifetime and allows their home and neighborhood to accommodate the changing needs. Principles of social sustainability should be applied throughout the development – to the buildings, landscapes and amenities. The design can provide full

accessibility or can be easily adapted to meet changing needs. For people to fully participate in community life, in homes they may visit, as well as in public spaces, the design shall meet the following standards/guidelines.

19.11.1 Goals

- To create socially equitable homes and communities that include persons with a range of abilities.
- To minimize the economic and social costs of expensive renovations or the need to move from one's home.
- To avoid the structural barriers that can prevent older adults and persons with disabilities from leading independent lives and participating fully in their communities.

19.11.2 Accessible Dwelling Units

A minimum of 30 percent of the total dwelling units in the Development shall be Visitable in accordance with the criteria in Section 19.11.3.

19.11.3 Performance Criteria for Social Sustainability and Visitability

Dwellings in the NOD shall meet the following criteria for visitability unless explicitly waived by the Planning Board. Visitability increases the supply of accessible housing through the inclusion of three basic structural features at the time of home construction:

- A zero-step entrance;
- Doorways (both interior and exterior) with at least 32 inches of clear width, but shall not conflict with any requirement of the State Building Code;
- At least a half bath on the main floor of the home.

19.11.4 Additional Guideline

Reinforcement in the bathtub area of bathroom walls of all dwelling units to allow easy addition of grab bars is suggested.

19.12 Off-Street Parking.

Off-Street Parking shall, in general, adhere to the design and dimensional requirements of Section 5.1.0 Off-Street Parking; however, the minimum requirements for parking spaces shall be as follows:

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| Residential dwelling units: | 2 spaces per unit |
| Visitor Parking: | 1 space for every 3 residential dwelling units |
| Community Buildings: | 3 spaces per 1000 square feet of gross floor area |
| Recreational uses: | To be determined during the review process. Where feasible the ITE Parking Generation Manual in effect during January 2009 shall be used. |

19.13 Access Way Construction

Construction of access ways within the NOD shall conform to the applicable requirements of the Rules and Regulations Governing the Subdivision of Land. The Board may waive any requirements of the Rules and Regulations it deems to be unnecessary either to meet the intent of this by-law or to ensure public safety. The minimum paved width shall not be less than 20 feet and the minimum right-of-way width shall be 32 feet. A sidewalk on at least one side of each access way shall be required.

19.14 Condominium Association.

In cases of sale of individual units as condominiums, there shall be included in the deed a requirement obligating the purchasers to join in an organization of unit owners incorporated under Chapter 183A as amended, of the General Laws of the Commonwealth. If any unit is sold separately, there shall be a deed restriction that shall require mandatory membership in a homeowner's association which shall satisfy all of the same requirements. No conveyance of an individual unit shall take place until this requirement has been satisfied. The organization shall file a written report annually, which includes the names of officers, with the Town Clerk within 150 days of the end of the association's fiscal year. Such report may be the same written report rendered to all unit owners referred to in G.L. c. 183A, § 10, par. D.

19.14.1 The Condominium or Homeowners Association (the "Association") shall provide for the maintenance of common open space, drainage facilities, community water and sewage disposal systems, the access ways, parking areas, recreational facilities or any other commonly held property or facility. The Association shall be a permanent agreement, either through a non-profit homeowner's and/or condominium association, and be recorded by a covenant or other agreement in the Bristol County Registry of Deeds before the conveyance of any unit or dwelling. Drafts of the proposed agreements shall be submitted to the Board with the development plan and shall be subject to approval by the Board and by Town Counsel, at the applicant's expense, as a condition of approval of the special permit relief.

- a) The agreement shall provide for the maintenance of all common land and facilities and specify the required methods of maintenance
- b) Membership in the Association shall be compulsory as a requirement of ownership of any lot or unit in the development.
- c) The agreement shall require compulsory assessment upon the individual owners for the cost of maintenance and the creation of a lien on any unit that is assessed for failure to pay such assessment.
- d) The agreement shall mandate that the Association shall not be dissolved without the consent of the Board; and any other specifications deemed necessary by the Board.

- e) The agreement shall provide that, in the event the Association or any successor organization, fails to maintain the common open space or any commonly owned facility in reasonable order and condition in accordance with the development plan, the Town shall have the right but not the obligation enforce the provisions of the agreement and shall be provided with an easement that shall allow the Town and its agents to enter onto such portions of the land in the development as are necessary to perform the required maintenance in order to preserve the taxable values of the properties within the development and to prevent the common land or facility from becoming a hazard or nuisance. If the Town performs any maintenance or repair work, the Association and its members shall be jointly and severally liable to reimburse the Town for its costs and the cost, if unpaid, shall become a lien upon the properties in the development until said cost has been paid in full.

- f) The developer shall turn over such Association to the homeowners at such time as 51 percent of the units or lots have been leased or sold. The agreement shall provide that the developer shall bear the responsibility for installation and/or maintenance of common open space, community water and sewage disposal systems, private ways, recreational facilities or any other commonly held property or facility until (1) such time as these facilities are completed to the satisfaction of the Board and (2) at least 51 percent of the units or lots have been sold, at which time the homeowner's or condominium association shall bear the responsibility of maintaining these areas and facilities.

19.15 Housing Affordability

19.15.1 Marketing Plan: Applicants under this by-law shall submit a marketing plan as outlined in **Section 13.8, Marketing Plan for Affordable Units**, of these By-Laws.

19.15.2 Required Affordable Units: Not less than 30% of the total dwelling units constructed in each development shall be designated as Affordable Units as defined in Section 1.1.E of these By-Laws and shall be eligible for inclusion in the SHI maintained by DHCD and the applicant shall provide written evidence of such eligibility from DHCD. For purposes of calculating the number of units of affordable housing required within a development, any fraction of a unit shall be deemed to constitute a whole unit.

19.15.3 Design and Construction: Affordable Units shall be finished housing units; the exterior shall be comparable in initial construction, quality and exterior design to Market Rate Units in the development.

19.15.4 Affordable Housing Restrictions: Each Affordable Unit shall be subject to a permanent Affordable Housing Restriction which shall be approved by the Board and Town Counsel and duly recorded, before any Affordable Unit is sold, with the

appropriate registry of deeds or district registry of the Land Court and which contains the following:

- a) Specification of the term of the Affordable Housing Restriction which shall be the maximum period allowed by law but not less than ninety-nine years;
- b) The name and address of an administering agency with a designation of its power to monitor and enforce the affordable housing restriction;
- c) Reference to a housing marketing and resident selection plan, to which the Affordable Unit is subject and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. The housing marketing and selection plan for the Affordable Units may provide for preferences in resident selection to the extent consistent with applicable law; the plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that the preference for such Unit shall be given to a household of the appropriate size;
- d) A requirement that residents shall be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan;
- e) A description of the Affordable Unit by address and number of bedrooms;
- f) Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership shall be set;
- g) Designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions;
- h) A requirement that only an Eligible Household may reside in an Affordable Unit and that notice of any lease or sublease of any Affordable Unit shall be given to the administering agency;
- i) Provision for effective monitoring and enforcement of the terms and provisions of the Affordable Housing Restriction by the administering agency;
- j) Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the administering agency and the Town of Westport, and shall limit initial sale and resale to and occupancy by an Eligible Household;
- k) Provision that the restriction on an Affordable Rental Unit shall run in favor of the administering agency and The Town of Westport, and shall limit rental and occupancy to an Eligible Household;
- l) Provision that the owner (s) or manager(s) of Affordable Rental Unit(s) shall file an annual report to the administering agency in a form specified by that agency certifying compliance with the affordability provisions of this By-Law, and containing such other information as may be reasonably requested in order to ensure affordability.
- m) A requirement that residents in Affordable Housing provide such information as the administering agency may reasonably request in order to ensure affordability.

19.15.5 Affordable Housing Administering Agency: An administering agency for affordable units, which may be the Westport Housing Authority, or other qualified housing entity shall be designated in the special permit. In a case where the administering agency cannot adequately carry out its administrative duties, such

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Comment: Should the Planning Board be designating the agency? They may not know at the time of the hearing what agency is willing and/or appropriate. It might be more appropriate to have the BOS designate, or to state an administering agency acceptable to the BOS.

duties shall devolve to and thereafter be administered by a qualified housing entity designated by the Board or, in the absence of such timely designation, by an entity designated by the DHCD. In any event, such agency shall ensure the following:

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Comment: Same as above.

- a) Prices of Affordable Homeownership Units are properly computed, rental amounts of Affordable Rental Units are properly computed;
- b) Income eligibility of households is properly and reliably determined;
- c) The housing marketing and resident selection plan conforms to all requirements and is properly administered;
- d) Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given;
- e) Affordable Housing Restrictions meeting the requirements of this section are recorded with the proper registry of deeds;
- f) All payments to the Town of Westport and their assigns are made in a timely manner pursuant to the requirements of the deed restrictions for the Market Rate Units.

19.15.6 Housing Marketing and Selection Plan: The housing marketing and selection plan shall make provision for payment by the Development applicant or successor in title of reasonable costs to the administering agency to develop, advertise, and maintain the list of Eligible Households, and to monitor and enforce compliance with affordability requirements. Such payment as determined by the SPGA shall not exceed one-half (1/2%) percent of the amount of rents received for each Affordable Rental Unit (payable annually by the Owner of said Affordable Rental Unit) and/or one (1%) percent of the sale or resale prices of Affordable Homeownership Units (payable upon each such sale or resale), as applicable.

19.15.7 Payment in Lieu of Eligible Buyer: The Board may allow a developer of non-rental housing units to make a cash payment to the Town through its Affordable Housing Trust Fund for each affordable low- or moderate-income unit, *if after one-year's time, a buyer cannot be found for an affordable unit.* The cash payment shall be equal either to (1) the difference between the fair market value for a typical market-rate housing unit in the proposed development, as determined by the Board, and the price of a housing unit affordable to a low- or moderate-income household; or (2) the difference between the actual fair market price paid for the unit and the price of an affordable unit, whichever is greater.

19.16 Decision

The Board may approve or approve with conditions an application for a NOD Special Permit, if the Board determines that the Development better promotes the objectives herein, than a conventional development would and that the Development is in compliance with applicable sections of the Rules and Regulations governing the Subdivision of Land in Westport, MA, Rules and Regulations of the Westport Planning

Board for Site Plan Approval, and the Rules and Regulations of the Westport Planning Board for Inclusionary Housing Special Permits.

19.17 Issuance of Occupancy Permits

The Building Inspector shall not issue an occupancy permit for a unit without prior receipt of evidence that all restrictions and covenants required as set forth hereunder have been duly recorded at the Registry of Deeds and that the low-and moderate-income units have been approved for listing by DHCD for Westport’s SHI..

19.18 Further Conditions

No lot shown on a plan for which relief is granted under this section may be further subdivided, and a restrictive covenant imposing this condition shall be recorded against the subject land before any building permit issues and a note regarding this condition shall be placed on the approved plan and it shall be recorded as a condition of the special permit taking effect. Subsequent to granting relief, the Board may permit minor adjustments of lot lines within the development that do not result in the creation of additional lots. However, any change in overall density, street layout, or open space layout shall require a modification of the special permit and full public hearing, with notice.

ITEM TWO

DEFINITIONS. To amend Section 1.1 Definitions by adding the following definitions to that Section of the Westport Zoning Bylaws in the correct alphabetical order:

Affordable Housing Restriction: A deed restriction approved by the Board and Town Counsel that designates a Dwelling Unit as affordable housing pursuant to the statutory requirements of the General Laws of the Commonwealth of Massachusetts, regulations and guidelines adopted pursuant thereto by the Dept. of Housing and Community Development, as well as any applicable requirements of the Westport Zoning By-Laws and regulations promulgated thereunder and that renders the unit eligible for inclusion in the SHI maintained by DHCD or any successor agency.

Dwelling, Two-Family: A detached building containing two (2) dwelling units, with each unit containing its own sleeping, cooking and sanitary facilities.

Dwelling, Multi-Family: A building containing more than two dwelling units, with each unit containing its own sleeping, cooking and sanitary facilities.

Market Rate Dwelling Unit: A Dwelling Unit available for sale or rent within a project or development at an unsubsidized price commensurate with the fair market value of said dwelling unit.

Single Family Dwelling Unit (Noquochoke Overlay District Only): A detached building containing not more than one dwelling unit.

Social Sustainability: Design of the physical environment so as to provide, or easily to allow future adaptation to provide, full accessibility to persons with a range of physical abilities as these may change throughout their lifetime.

Visitability Dwelling units are deemed Visitable if they meet the following three criteria: zero step entrance; all doorways that are 32 inches clear; and a toilet on the first floor.

Zero step entrance - An entrance that has no steps, and is at grade level with the exterior grounds. The zero step entrance can be at any doorway; front, side, rear.

Zoning By-Laws: The Zoning By-Laws of the Town of Westport as amended.

ITEM THREE

To amend SECTION 2.6 concerning the Planning Board as Special Permit Granting Authority as follows:

To change Section 2.6

FROM:

The Planning Board is hereby designated as the Special Permit Granting Authority (SPGA) for Assisted and Independent Living Facilities (Article 11.0) and for Drive-Through Facilities. The Planning Board shall act on all special permit applications as provided by the Rules and Regulations of the Planning Board as Special Permit Granting Authority to be adopted hereunder.

TO:

The Planning Board is hereby designated as the Special Permit Granting Authority (SPGA) for Assisted and Independent Living Facilities (Article 11), for Inclusionary Housing (Article 13), for Drive-Through Facilities (Article 14), and for the Noquochoke Overlay District (Article 19). The Planning Board shall act on all special permit applications as provided by the Rules and Regulations of the Planning Board as Special Permit Granting Authority to be adopted hereunder.

and to DELETE Section 2.7 in its entirety.

ITEM FOUR

To amend Article 3 Establishment of Districts by adding to Section 3.0 Types of Districts:

“H. Noquochoke Overlay District”

ITEM FIVE

To amend **Section 3.1 Location of Districts** by adding after **Section 3.1.G** the following:

“**H. Noquochoke Overlay District:** The portion of the Town described as the following assessors’ parcels as of November, 2008:

Assessor’s Map 33, Lot 47

Assessor’s Map 33, Lot 47A

Assessor’s Map 33, Lot 47E

Assessor’s Map 33, Lot 17

Assessor’s Map 33, Lot 45.

And further described on the Noquochoke Overlay District zoning map detail, approved May, 2009 on file with the Town Clerk.”

ITEM SIX

To amend Article 4.0 Use Regulations by adding after Section 4.0.7, Section 4.0.8 as follows:

“4.0.8 Noquochoke Overlay District (NOD) See Article 19.”
