

TOWN OF HOPKINTON  
ZONING BYLAW

**ARTICLE XVIB**  
**Subdivision Phasing**

**[Added 5-2-2000 ATM, Art. 32, Amended 5-7-2007, ATM Art. 30]**

**~ 210-105.5. Intent and purpose.**

The intent and purpose of this article are as follows:

- A. To ensure that growth and development occur in accordance with the planning objectives of the town, in an orderly manner and at a rate that can be supported by Town services, without large year-to-year variations in rate;
- B. To provide the Town with the opportunity to study the effect of growth on the infrastructure, finances, character and municipal services of the Town and to plan for such capital improvements as may become necessary;
- C. To ensure that the pace of residential development is related to the town's ability to provide adequately for public safety, schools, roads, municipal infrastructure and human services at the quality which citizens expect, and which is within the town's ability to pay;
- D. To preserve and enhance the existing character of the community and its property values; and
- E. To allow departures from the strict application of the growth rate measures in this article when appropriate to encourage those types of residential growth which address the housing needs of specific population groups or which significantly reduce the residential density of the town.

**~ 210-105.6. Applicability.**

- A. This article shall apply to dwelling units in all subdivisions approved by the Planning Board pursuant to the Subdivision Control Law, MGL c. 41, §§ 81K through 81GG, after the effective date of this article. It shall also apply to dwelling units on lots which obtain legal frontage on a street shown on an approved definitive subdivision plan approved after the effective date of this article. For the purposes of this article, subdivisions on adjoining properties held under common ownership at the time of the effective date of this article shall be considered a single subdivision. **[Amended 5-7-2007, ATM Art. 30]**
- B. The provisions of this article shall expire on July 1, 2010; however, Town Meeting may extend the provisions of this article for such additional term as it deems appropriate.

**~ 210-105.7. Issuance of building permits.**

- A. No more than 12 building permits for the construction of new residential dwelling units which are situated within any subdivision as referred to above or which obtain their legal frontage on streets shown on any of the subdivision plans as defined above, shall be issued in any twelve-month period.

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- B. Lots fronting on a street shown on a subdivision plan approved after the effective date of this article, but not contained within the limits of the subdivision plan, shall be included in the calculation of the total number of lots shown on the subdivision plan pursuant to which the street was created.
- C. The Planning Board may authorize the issuance on one occasion only of up to three additional building permits for dwelling units during the last 12 months of construction of the subdivision road and infrastructure if, in the opinion of the Planning Board, the issuance of the permits would result in or facilitate the prompt completion of the subdivision.

**~ 210-105.8. Exemptions.**

The provisions of this article shall not apply to the following types of residential development and properties:

- A. Applications for building permits for the enlargement, restoration or reconstruction of a dwelling.
- B. Individual building lots not created by a definitive subdivision plan approved pursuant to MGL c. 41, ~ 81U.
- C. Individual building lots created by a definitive subdivision plan approved by the Planning Board prior to the effective date of this article.
- D. Dwelling units approved by the issuance of a comprehensive permit by the Board of Appeals pursuant to MGL. c. 40B.
- E. Dwelling units approved pursuant to Article XIII, Garden Apartments in Residential Districts, or Article XVIA, Senior Housing Development, of the Hopkinton Zoning Bylaw. Such developments may, however, be approved with conditions which regulate the phasing of the construction of the particular development.
- F. Subdivisions in which the applicant agrees to permanently reduce the density of buildable lots to not more than 40% of the density permitted by the applicable zoning regulations and which are feasible for development taking into account environmental conditions affecting the parcel and the application of all other local and state regulations and requirements. The surplus land must exceed 10 contiguous acres and must be permanently designated as open space and/or farmland. The land to be preserved shall be permanently protected from development by an agricultural preservation restriction, conservation restriction, dedication to the town, or other similar mechanism approved by the Planning Board.

**~ 210-105.9. Zoning change protection.**

The protection provided by MGL c. 40A, ~ 6, shall continue until that date which would be the earliest date that application could be made for a building permit for the final dwelling unit in the subdivision pursuant to this article.