

## Chapter 19.50 Orderly Development

*(Amended: Article XVI, October 24, 2005 Special Town Meeting)*

### 1. *Statement of Purpose*

The Town of Rochester currently confronts a number of critical issues regarding its infrastructure and services, as a result of rapidly increasing rates of growth. The purpose of this subsection is to provide a temporary limit on such growth in order to afford the boards and agencies of the Town the information, time and capacity to incorporate growth into its master plan and other planning activities relating to the impact of such development. In particular, this temporary limitation will provide the Town with a reasonable pace of growth, keyed to the six-year recent average of new residential dwelling permits, while it works to achieve the following goals:

- a) Adoption of water resource management plans for the Mattapoissett and Sippican River aquifers.
- b) Adoption of an updated master plan to replace the plan dated April 2000.
- c) Adoption of an affordable housing plan approved by the Massachusetts Department of Housing and Community Development (DHCD).
- d) Adoption of an accessory apartment By-Law with affordable housing approved by DHCD.
- e) Adoption of an alternative zoning By-Law to provide for rural development which may allow bonus lots for DHCD-approved affordable housing.
- f) Authorization for a regional Planner.
- g) Adoption of a comprehensive twenty-year school plan securing title to land should it become necessary to construct a second grammar school.

### 2. *Limit on Building Permits*

After the adoption of this By Law and continuing until June 30, 2010, at which time this section G shall expire, no more than forty-eight (48) permits for construction of new dwelling units shall be issued annually, which limitation shall be calculated and administered in accordance with the procedures set forth in section 4.

### 3. *Exemptions*

Exempt from the limitations under this section are: Affordable-income dwellings that qualify under the regulations of DHCD; units permitted under the Special Residential Development By-Law; units constructed within any smart growth overlay district enabled under Massachusetts General Laws, c. 40R; and, existing lots of record or lots shown on approval not required plans and definitive subdivision plans approved prior to the effective date of this by law or approval not required plans, preliminary subdivision plans and definitive subdivision plans which were filed prior to such effective dated, and subsequently approved.

The provision of this section shall not apply to, nor limit in any way, the granting of building and occupancy permits required for enlargement, restoration, or reconstruction of dwellings existing on lots as of the date of passage of this subsection, but shall apply to the conversion of single family to two-family dwellings.

### 4. *Procedures*

The Building Commissioner shall accept applications for new dwelling building permits in accordance with the following procedures:

- a) The Commissioner shall act on each application in the order of its submittal;
- b) Any application that is deemed incomplete or inaccurate by the Commissioner shall be returned to the applicant and if not perfected within thirty days of its original submittal shall be considered a new submittal;
- c) No person shall submit more than two permit applications in a calendar month;
- d) All applications with respect to land in one ownership on the date of adoption of this By-Law shall be considered as from one person for the purpose of this by-law;
- e) The Building Commissioner may aggregate applications for the purpose of this by law if he determines that the applications are made by persons or entities that are under the control of a single person or entity;
- f) Twelve (12) permits shall be available in each quarter of the year;

- g) The quarters are defined as January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31;
- h) The period from the date of passage of this subsection through December 31, 2005 shall be considered a quarter of a year;
- i) If less than twelve (12) permits are issued in a quarter, the number of additional permits that could have been issued to fill the limitation of twelve permits per quarter shall be available for issuance in any subsequent quarter; and
- j) Any permit that has expired due to failure to commence activity within six months of issuance shall be considered available under subsection i), above, in the quarter in which the expiration occurred.