What is Natural Resource Protection Zoning (NRPZ)?

NRPZ is a protective local zoning regime designed for areas of high natural resource value where the public interest in retention of those resources is predominant. Shutesbury, Brewster, Wendell, New Salem, Leyden, and Petersham, MA have adopted these bylaws, with others underway. These examples inspired the state’s new model for land-protection zoning, adopted by the Executive Office of Energy and Environmental Affairs and Mass Audubon.

To explain NRPZ, one must first understand conventional zoning in the context of residential subdivision. Subdivision in accordance with most local zoning necessitates creating new roadway in order to generate the required lineal road frontage for each new houselot proposed, generally 100-300 feet/lot. In order to maximize development potential a great deal of new roadway must be designed and built.  Besides frontage, each lot will require a minimum area, often 1-5 acres in suburban-rural settings. The end result is solely a grid of new roads and houselots.  This is what may be done by-right, which is the easiest permitting regime. Cluster development, a better alternative, may be available via a more difficult special permit.

NRPZ significantly differs from conventional zoning, especially as it affects the layout of a subdivision. NRPZ is designed to be the easiest option, offered by-right. A key difference is that development rights are calculated based on area, not road frontage.  Beginning with the area of the entire project parcel, certain constrained lands are subtracted (e.g., wetlands, water bodies, steep slopes, floodplain, and restrictive easements).  The amounts subtracted depend on what the bylaw says.  After subtraction, the remaining area is divided by a “density divisor,” which might be 3, 5, or 10 depending on the bylaw (higher numbers = less units).  The result of that division is the maximum number of dwelling units possible.  Next, the entire area of the project parcel is multiplied by the preservation fraction, often between .65 and .90 depending on the bylaw, to arrive at the area required to be preserved by a recorded restriction. The remaining area may be residentially developed.  This is all done by formula using basic mapped information on the project parcel. Deviations from the formulas may only be approved by special permit.

Once the numbers are set, a “conservation analysis and findings” process is conducted to assess the natural resources on the site and determine where best to locate the developable area in order to protect those resources.  Within the developable area the allowed number of dwelling units may be constructed on lots having no specified area or frontage requirements, and accessed by the minimum lengths of new roadway and/or shared driveways needed.  Yard setback is often only a 10 foot offset for any structure to a lot line.  Towns are encouraged to allow any residential type otherwise available (in town) to be built within an NRPZ (single-family, duplex, multi-family, accessory apartments, whatever).  This regime is perfect for co-housing. At the proponent’s option, ownership of the open land may remain with the original owner (preferred if a farmer or forester), or be transferred to another owner, possibly a homeowner’s association.

The bylaw may offer bonus dwelling units if the proponent agrees to provide certain public benefits, examples of which are additional open space, affordable housing units, or public access.  In several bylaws a transfer of development rights (TDR) feature was included, allowing NRPZ developers to increase unit count by obtaining development rights from other land parcels, either in their or other’s ownership.  These parcels are then also preserved by restriction.