

Age restricted housing

Does zoning include any provisions for housing that is restricted by age?

Issue Overview Many zoning bylaws/ordinances include provisions for housing that is deed restricted to occupants 55 (or another age) and older. Some of the provisions are for developments that are entirely age-restricted, while other provisions are incentives, often density bonuses, to include age-restricted units within an unrestricted development, such as cluster or multi-family. The restricted developments are called active adult housing, adult retirement village, senior village, planned retirement community, or something similar.

Several zoning bylaws/ordinances contain provisions from the 1970s or 80s for public housing for the elderly. These provisions are for development of multi-family that is restricted by both age and income and must be owned or managed by a public and non-profit agency; this essentially permits development of senior housing under federal or state subsidy programs, such as HUD's Section 202, which was more commonly used in the 1970s and 1980s. More recently, many towns have adopted provisions for age-restricted market-rate developments (units usually offered for sale and less frequently for rent) to financially secure, healthy adults aged 55 or older. Sometimes age-restricted housing is allowed in conjunction with assisted living facilities or nursing homes (i.e. a continuum of care).

Research Coding Answer is coded Yes if any provisions exist for age-restricted single-family, townhouse, duplex, multi-family or accessory apartments. Provisions can be in the form of an age-restricted overlay, cluster development, density bonus for age-restricted units, or other zoning requirements or incentives for age-restricted housing. Researcher located the relevant provisions in table of uses, use regulations, sections on age-restricted development, and provisions for multi-family housing or cluster development. Assisted living facilities, nursing homes, and congregate care are excluded.

Abington *Does zoning include any provisions for housing that is restricted by age?*

No

Acton *Does zoning include any provisions for housing that is restricted by age?*

Yes From the Code of The Town of Acton
MIDDLESEX COUNTY, MASSACHUSETTS
ZONING BY-LAW
Amended through January 2001

SECTION 5 DIMENSIONAL REGULATIONS

5.3.8 Nursing Homes in the Residential Districts

5.3.8.1 Nursing Homes in the R-2, RA R-8, R-8/4, R-10, R-10/8 and VR Districts shall be built according to the following dimensional standards: minimum LOT area - 100,000 sq. ft minimum LOT FRONTAGE - 200 feet; minimum LOT width - 200 feet; minimum front, side and rear yards - 60 feet; minimum setback of pavement areas other than ACCESS driveways from the front LOT line - 45 feet; minimum setback of pavement areas from the side and rear LOT lines - 60 feet; minimum OPEN SPACE - 35 percent; maximum FLOOR AREA RATIO - 0.20; maximum height of STRUCTURES - 36 feet; number of stories above finished ground level - 2. 5.3.8.2 Nursing Homes on LOTS in the R-A and R-AA Districts shall be built according to the

standards set forth in the Table of Standard Dimensional Regulations and the maximum FLOOR AREA RATIO on such LOTS shall not exceed 0.20.
5.3.9 Child Care Facilities in Residential Districts - In addition to the standards set forth in the Table of Standard Dimensional Regulations, the following standards shall apply to child care facilities located in Residential Districts:

Minimum OPEN SPACE not including outdoor play areas - 35 percent;
Maximum FLOOR AREA RATIO - 0.10;
Maximum NET FLOOR AREA - 1000 square feet.

5.3.11 Full Service Retirement Communities:

5.3.11.1 Full Service Retirement Communities in the R-2, RA R-8, R-8/4, R-10, R-10/8 and VR Districts shall be built according to the following dimensional standards: minimum LOT area - 100,000 sq. ft.; minimum LOT FRONTAGE - 200 feet; minimum LOT width - 200 feet; minimum front yard - 45 feet; minimum side and rear yard for BUILDINGS - 20 feet; containing one or two DWELLING UNITS minimum side and rear yard for all other BUILDINGS 60 feet; minimum setback of pavement areas other than - 45 feet; ACCESS driveways and walk ways from the front LOT line minimum setback of pavement areas, other than - 60 feet; walkways, from the side and rear LOT lines minimum separation of BUILDINGS within the LOT - 20 feet; minimum OPEN SPACE - 35 percent; maximum FLOOR AREA RATIO - 0.30; maximum height of STRUCTURES - 36 feet.

Maximum total NET FLOOR AREA occupied by allowed - the smaller of 10,000 sq. Business USES such as Retail Store, Restaurant, ft. or 10% of the total and Services NET Services FLOOR AREA in the full service retirement community

5.3.11.2 Full Service Retirement Communities in all other Zoning Districts shall be built according to the dimensional standards set forth in Section 5 and the Table of Standard Dimensional Regulations except that the Minimum Side and Rear Yard for BUILDINGS containing one or two DWELLING UNITS shall be the lesser of 20 feet or the dimension required in the Table of Standard Dimensional Regulations; the Minimum OPEN SPACE shall be the lesser of 35% or the percentage set forth in the Table of Standard Dimensional Regulations; the Maximum FLOOR AREA RATIO shall be the greater of 0.30 or the FLOOR AREA RATIO set forth in the Table of Standard Dimensional Regulations; and the limit on the number of DWELLING UNITS in the R-A and R-AA Districts shall not apply. 5.3.12 Assisted Living Residences in Residential Districts - In Residential Districts Assisted Living Residences with more than 10 residents shall be subject to the same dimensional standards as Nursing Homes in Residential Districts.

SECTION 9B SENIOR RESIDENCE

9B.1 Purpose

The purpose of SENIOR Residence is to enhance the public welfare by: a) encouraging the development of choices of independent living accommodations for SENIORS in general; b) encouraging the development of housing that is suitable for SENIORS with disabilities; c) encouraging the development of affordable housing for SENIORS with low and moderate income; While: d) protecting Acton's New England character by development of land in clusters and villages, which is in greater harmony with Acton's historic development patterns and less demanding on its natural resources; e) preserving land for conservation, open space, recreation, agriculture and forestry; f) preserving significant land and water resources, natural areas, scenic vistas, and historic or archeological sites; g) reducing the typical costs of providing municipal services to residential developments.

9B.2 Special Permit

The Planning Board may grant special permits for the development and construction of a SENIOR Residence development in the R-2, R-4, R-8, R-8/4, and R-10/8 Districts in accordance with this Section and MGL, Ch. 40A, s.9.

9B.2.1 Application for a Special Permit - Any person who desires a SENIOR Residence Special Permit shall submit a written application with a site plan that meets the requirements set forth herein and in the Rules and Regulations for SENIOR Residence special permits.

9B.2.2 Subdivision - If a SENIOR Residence development requires approval under the Subdivision Control Law, MGL, Ch. 41, the application shall contain a definitive subdivision plan as required by the Acton Subdivision Rules and Regulations. The applications for a SENIOR Residence special permit and a definitive subdivision approval plan shall be filed concurrently. To the extent permitted by law, the Planning Board shall consider both applications at the same time.

9B.3 Planning Board Action

In evaluating a proposed SENIOR Residence development, the Planning Board shall consider the general objectives of this bylaw and of this section 9B in particular; the existing and probable future development of surrounding areas; and the appropriateness of the proposed site plan in relation to the topography, soils and other characteristics and resources of the TRACT OF LAND in question. The Planning Board may grant a special permit for a SENIOR Residence development if it finds that it: a) protects and enhances Acton's New England character, its environmental and historic resources, and scenic vistas; b) provides Common Land that benefits the residents of the Town and the SENIOR Residence development; c) provides quality housing for SENIORS with a range of incomes and physical abilities; d) provides for the safety of vehicular movement, and for the safety and convenience of pedestrians in a manner that is compatible with Acton's New England character and the needs of SENIORS; e) is consistent with the Acton Master Plan as amended; f) is in harmony with the purpose and intent of this bylaw; g) will not be detrimental or injurious to the neighborhood in which it is to take place; h) is appropriate for the site in question; i) complies with the applicable requirements of the bylaw; and j) meets the purpose of this section 9B.

The Planning Board may require changes to the SENIOR Residence site plan and impose additional conditions, safeguards and limitations as it deems necessary to secure the objectives of this bylaw.

9B.4 Allowed USES

Only the following USES shall be allowed in a SENIOR Residence development: 9B.4.1 Single FAMILY dwellings. 9B.4.2 Single FAMILY dwellings with one apartment.

9B.4.3 Multifamily dwellings.

9B.4.4 ACCESSORY USES typically associated with residential USES.

9B.4.5 Support services to meet SENIORS' needs, such as skilled nursing service, medical and other health service, recreation and leisure facilities, a community center, or food service. 9B.4.6 Convenience services intended primarily for its residents, such as Retail Stores, Banks, Restaurants, and Services provided that not more than 10% of the total NET FLOOR AREA of the development is dedicated to such uses. 9B.4.7 Allowed USES on the Common Land as set forth herein.

9B.5 Dimensional Regulations

A SENIOR Residence development shall comply with the following dimensional regulations for the area of the TRACT OF LAND, density, BUILDINGS, and STRUCTURES:

9B.5.1 Minimum TRACT OF LAND area: 8 acres. For the purpose of this section, the Planning Board may consider LOTS on directly opposite sides of a STREET as a single TRACT OF LAND.

9B.5.2 Maximum density: 4 DWELLING UNITS per acre in the R-2 District, and 3 DWELLING UNITS per acre in the R-4, R-8, R-8/4, and R-10/8 Districts, based on the total development site including the Common Land.

9B.5.3 Minimum setbacks for BUILDINGS and STRUCTURES: 45 feet from any existing STREET; 15 feet from a STREET, way or common drive within the site; 30 feet from any lot line and the Common Land boundary.

9B.5.4 Minimum separation of BUILDINGS: 20 feet.

9B.5.5 Maximum height of BUILDINGS and STRUCTURES: 36 feet.

9B.5.6 Maximum number of DWELLING UNITS per BUILDING: 4.

9B.5.7 Maximum horizontal dimension of a BUILDING: 200 feet.

9B.5.8 Each DWELLING UNIT shall have at least two separate exterior entrances at ground level.

9B.5.9 Where the requirements of this section 9B differ from or conflict with other requirements of the Bylaw, the requirements established herein shall prevail.

9B.5.10 The Planning Board may impose other dimensional requirements as it deems appropriate to enhance the purpose and intent of this bylaw.

9B.6 Parking Requirements

2 vehicular parking spaces per principal DWELLING UNIT, plus sufficient parking spaces for visitors, accessory facilities, and services as determined by the Planning Board.

9B.7 Storm Water Runoff

The peak rate of storm water runoff from a SENIOR Residence development shall not exceed the rate existing before the new construction based on a 10-year design storm.

9B.8 Environmental Protection

The Planning Board, in granting a Special Permit for a SENIOR Residence, may impose reasonable conditions to protect the environment, and the health, safety and welfare of the neighborhood, of residents in the proposed development, and of the general public. Such conditions may include, but shall not necessarily be limited to, requirements for the advanced treatment of wastewater effluent, the location of wastewater effluent disposal, and necessary limitations on the total number of DWELLING UNITS to prevent negative impacts on the groundwater and other existing or potential public water resources.

9B.9 Common Land Standards

9B.9.1 Dimensional Requirements for the Common Land - In a SENIOR Residence development, at least sixty percent (60%) of the land shall be set aside as Common Land for the use of the SENIOR residents or the general public. The following additional requirements shall apply:

9B.9.1.1 The minimum required area of the Common Land shall not contain a greater percentage of wetlands, as defined in MGL Chapter 131, Section

40, than the percentage of wetlands found in the overall TRACT OF LAND on which the SENIOR Residence development is located.

9B.9.1.2 The minimum Common Land shall be laid out as one or more large, contiguous parcels that are distinct from parcels dedicated for other purposes or USES. Each Common Land parcel shall contain at least one access corridor to a STREET or way that shall be not less than 40 feet wide.

9B.9.1.3 If the TRACT OF LAND of the SENIOR Residence development abuts adjacent Common Land or undeveloped LOTS, the Common Land shall be laid out to abut the adjacent Common Land or undeveloped LOTS.

9B.9.2 USE of the Common Land - The Common Land shall be dedicated and used for conservation, historic preservation and education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry, or for a combination of those USES. No other USES shall be allowed in the Common Land, except as provided for herein:

9B.9.2.1 The proposed USE of the Common Land shall be specified on a Land Use Plan and appropriate dedications and restrictions shall be part of the deed to the Common Land. The Planning Board shall have the authority to approve or disapprove particular USES proposed for the Common Land in order to enhance the specific purposes of this section 9B.

9B.9.2.2 The Common Land shall remain unbuilt upon, provided that an overall maximum of five (5) percent of such land may be subject to pavement and STRUCTURES accessory to the dedicated USE or USES of the Common Land.

9B.9.2.3 In addition, a portion of the Common Land may also be used for the construction of leaching areas, if associated with septic disposal systems serving the SENIOR Residence development, and if such use, in the opinion of the Planning Board, enhances the specific purpose of this section 9B and promotes better overall site planning. Septic disposal easements shall be no larger than reasonably necessary. If any portion of the Common Land is used for the purpose of such leaching areas, the Planning Board shall require adequate assurances and covenants that such facilities shall be maintained by the owners of the DWELLING UNITS in the SENIOR Residence development.

9B.9.2.4 In addition, a portion of the Common Land may also be used for ways serving as pedestrian walks, bicycle paths, and emergency access or egress to the SENIOR Residence development or adjacent land, if such a use, in the opinion of the Planning Board, enhances the general purpose of this Bylaw and enhances better site and community planning, and if the Planning Board finds that adequate assurances and covenants exist, to ensure proper maintenance of such facilities by the owner of the Common Land.

9B.9.2.5 Portions of the Common Land that are in excess of the minimum Common Land total area and upland area as calculated in accordance with section 9B.9.1.1, including its subsection 9B.9.1.1, may be used for storm water detention and retention facilities serving the STREETS and ways in the SENIOR Residence development, including infrastructure such as pipes, swales, catch basins, and manholes, and parcels and easements associated with such facilities.

9B.9.3 Ownership of the Common Land - The Common Land shall be conveyed in whole or in part to the Town of Acton and accepted by it, or to a non-profit organization, the principal purpose of which is the conservation of open space and/or any of the purposes and USES to which the Common Land may be dedicated. The Common Land may also be conveyed to a corporation or trust owned or to be owned by the owners of DWELLING UNITS within the SENIOR Residence development. The Planning Board shall approve the form of ownership of the Common Land. If the Common Land or any portion thereof is not conveyed to the Town of Acton, a perpetual restriction, approved by the Planning Board and enforceable by the Town of Acton, shall be imposed on the use of such land, providing in substance that the land be kept in its open or natural state and that the land shall not be built upon or developed or used except in accordance with the provisions for a SENIOR Residence development as set forth herein and, if applicable, as further specified in the decision of the Planning Board governing the individual SENIOR Residence development. At the time of its conveyance, the Common Land shall be free of all encumbrances, mortgages, tax liens or other claims, except as to easements, restrictions and encumbrances required or permitted by this Bylaw.

9B.10 Accessibility

All DWELLING UNITS in a SENIOR Residence development shall be designed and constructed to be adaptable with only minor structural changes to meet the requirements for Group 2B residences as set forth in the Massachusetts Building Code, 521CMR (Architectural Access Board), as amended.

9B.11 Age Restriction

All DWELLING UNITS in a SENIOR Residence development shall be subject to an age restriction described in a deed, deed rider, restrictive covenant, or other document that shall be recorded at the Registry of Deeds or the Land Court. The age restriction shall limit the DWELLING UNITS to occupancy by SENIORS, age 55 or older, or their spouses of any age; provide for reasonable, time-limited guest visitation rights; and authorize special exceptions that allow persons of all ages to live in a DWELLING UNIT together with a SENIOR resident as the Planning Board shall further define and specify in its special permit. The age restriction shall run with the land in perpetuity and shall be enforceable by any or all of the owners of DWELLING UNITS in the SENIOR Residence development or by the Town of Acton.

9B.12 Affordability

Some of the DWELLING UNITS in a SENIOR Residence development shall be sold, rented, or leased at prices and rates that are affordable to LOW and MODERATE INCOME SENIORS, as more specifically set forth in the following:

9B.12.1 AFFORDABLE SENIOR RESIDENCE defined - The term AFFORDABLE SENIOR RESIDENCE as used in this section 9B shall refer to

DWELLING UNITS, which are restricted to sale, lease or rental (1) to SENIORS within specific income and asset limitations, and (2) at specific price limits, both in accordance with provisions set forth in any State or Federal rental assistance programs, subsidy programs for reducing mortgage payments, or other programs that provide for affordable housing for low and moderate income SENIORS, and that are in effect at the time that the project application is made to the Planning Board.

9B.12.2 Basic Affordability Component - At least 5% of the DWELLING UNITS in a SENIOR Residence development, rounded to the next integer, shall be AFFORDABLE SENIOR RESIDENCES. When rounding, fractions of .5 shall be rounded up.

9B.12.3 Density Bonus Option - The total number of allowable DWELLING UNITS in a SENIOR Residence development may be doubled to 8 per acre in the R-2 District, and to 6 per acre in the RA R-8, R-8/4, and R-10/8 Districts provided that at least 20% of the DWELLING UNITS in the SENIOR Residence development, rounded to the next integer, are AFFORDABLE SENIOR RESIDENCES. When rounding, fractions of .5 shall be rounded up.

9B.12.4 Affordability Standards - Subject to Planning Board approval, an applicant for a SENIOR Residence special permit may utilize an available State or Federal assistance program or choose to meet the AFFORDABLE SENIOR RESIDENCE requirements by utilizing income and asset standards, and by establishing rents, leases, sales prices, entry fees, condominium fees, and other costs for AFFORDABLE SENIOR RESIDENCES that are generally consistent with available affordable housing assistance programs.

9B.12.5 Affordability Restrictions - AFFORDABLE SENIOR RESIDENCES shall be maintained as such for the life of the SENIOR Residence development. Each AFFORDABLE SENIOR RESIDENCE shall be rented or sold to its initial and all subsequent buyers or tenants subject to deed riders, restrictive covenants, contractual agreements, or other mechanisms restricting the USE and occupancy, rent levels, sales prices, resale prices, and other cost factors to assure their long term affordability. These restrictions shall be in force for such maximum time as may be permitted under applicable state law governing such restrictions. They shall be enforceable and renewable by the Town of Acton through standard procedures provided by applicable law.

9B.12.5.1 The Planning Board may require that the restrictions for AFFORDABLE SENIOR RESIDENCES contain a right of first refusal to the Town of Acton or its designee at the restricted resale value, and that the owner provides notice of such right of first refusal to the Town of Acton or its designee prior to selling the AFFORDABLE SENIOR RESIDENCE with adequate time for the Town or its designee to exercise the right of first refusal.

9B.12.5.2 Nothing in this Section shall be construed to cause eviction of an owner or tenant of an AFFORDABLE SENIOR RESIDENCE due to loss of his/her income eligibility status during the time of ownership or tenancy. Rather, the restrictions governing an AFFORDABLE SENIOR RESIDENCE shall be enforced upon resale, re-rental, or re-lease of the AFFORDABLE SENIOR RESIDENCE. The mechanisms and remedies to enforce the restrictions governing an AFFORDABLE SENIOR RESIDENCE upon resale, re-rental, or re-lease shall be set forth in its deed restrictions.

9B.12.5.3 All contractual agreements with the Town of Acton and other documents necessary to insure the long term affordability of an AFFORDABLE SENIOR RESIDENCE shall be executed prior to the issuance of any building permit for it.

9B.12.6 Locations and compatibility of AFFORDABLE SENIOR RESIDENCES - AFFORDABLE SENIOR RESIDENCES shall be dispersed throughout the development to insure a true mix of market-rate and AFFORDABLE SENIOR RESIDENCES. The exterior of AFFORDABLE SENIOR RESIDENCES shall be compatible with, and as much as possible indistinguishable from, market-rate DWELLING UNITS in the SENIOR Residence development. All internal design features of AFFORDABLE SENIOR RESIDENCES shall be substantially the same as those of market-rate DWELLING UNITS.

9B.12.7 Local Preference - Unless otherwise regulated by an applicable Federal or State agency under a financing or other subsidy program, at least sixty-five percent (65%) of the AFFORDABLE SENIOR RESIDENCES shall be initially offered to Acton SENIORS.

9B.12.7.1 Residency in Acton shall be established through Town Clerk certification based on the Town Census, voter registration, or other acceptable evidence.

9B.12.7.2 Purchaser/tenant selection - Procedures for the selection of purchasers and/or tenants shall be subject to approval by the Town of Acton or its designee.

9B.12.7.3 These restrictions shall be in force for 120 days from the date of the first offering of sale or rental of a particular AFFORDABLE SENIOR RESIDENCE. The developer of the SENIOR Residence shall make a diligent effort to locate eligible purchasers or renters for the AFFORDABLE SENIOR RESIDENCE who meet the local preference criteria and the applicable income requirements.

9B.12.8 Timing of construction - As a condition of the issuance of a special permit under this Section, the Planning Board may set a time or development schedule for the construction of AFFORDABLE SENIOR RESIDENCES and market-rate DWELLING UNITS in the SENIOR Residence.

9B.13 Streets, Utilities and Lighting

Generally, all STREETS and ways, drainage facilities, and utilities shall be designed and constructed in compliance with the Acton Subdivision Rules and Regulations whether or not the SENIOR Residence development is a subdivision. The Planning Board may approve exceptions to the Subdivision Rules and Regulations provided the Board determines such exceptions are consistent with the purposes of this bylaw. The Planning Board may impose appropriate standards for all outdoor lighting within a SENIOR Residence development.

9B.14 Performance Guarantee

Before the issuance of any building permits for SENIOR Residences, the applicant shall secure the required improvements for STREETS, ways, drainage, erosion control and other items specified by the Planning Board with a performance guarantee consistent with the Acton Subdivision Rules and Regulations.

9B.15 Revisions and Amendments

Following the approval of a SENIOR Residence development, any change in the layout of STREETS and ways; in the configuration, ownership or use of the Common Land; or any other change which, in the opinion of the Building Commissioner, would significantly alter the character of the SENIOR Residence development, shall require the written approval of the Planning Board. The Planning Board may, upon its own determination, require a new Special Permit and hold a public hearing pursuant to the requirements of this bylaw if it finds that the proposed changes are substantial in nature and of public concern.

1.3.15 SENIOR : An individual who is 55 years of age or older

Amesbury *Does zoning include any provisions for housing that is restricted by age?*

No

Andover *Does zoning include any provisions for housing that is restricted by age?*

No

From ordinance.com:

7.4. ELDERLY HOUSING

7.4.1. Purpose. The objectives of this section are to achieve the following public purposes:

1. To provide for the development and use of alternative housing and nursing care for the elderly in accordance with the Town's Master Plan.
2. To create home health care, housing and other supportive services for the elderly population outside of an institutional setting.
3. To encourage the preservation of open space.
4. To provide alternative housing for the elderly that cause relatively little demand on town services.
5. To preserve the town's residential character.
6. To provide such accommodations in a manner harmonious with the surrounding land uses while protecting natural resources and open space.
7. To provide housing which is affordable to the elderly population who are Andover Residents.

7.4.2. Applicability. The Planning Board may grant a special permit for elderly housing as described in Section 7.4.

1. This section shall not apply to assisted living residences existing on the date of adoption of this section.

7.4.3. Assisted Living Residences - Dimensional Requirements and Design Standards. Dimensional requirements and design standards shall be as follows:

1. **Minimum Lot Size.** An assisted living facility shall be permitted in a SRA and SRB District only within a single lot containing a total area of not less than 5 acres. In the MU District, the minimum lot size shall be 2 acres. There shall be no minimum lot size required for the GB District.
2. **Density.** The maximum allowable density shall be three thousand square feet of lot area per assisted living unit.
3. **Building Height.** Any addition or new construction shall not exceed thirty-five feet in height as measured in accordance with the State Building Code or three stories. This does not preclude the reuse and renovation of existing structures which may exceed this height limit.

4. **Building Coverage.** The maximum building coverage, including accessory buildings, shall not exceed thirty percent (30%) of the lot area for new construction or expansion of existing structures.

5. **Building Setbacks.** In the SPA and SRB Districts, buildings shall be set back a minimum of fifty feet from all property lines. In the MU District, the building setback will be twenty feet. Buildings in the G9 District shall be setback as required in Section 4.1.4.2.b of this by-law.

6. **Setback from Residential Dwellings.** In the SRA and SRB Districts, all buildings associated with the assisted living facility shall be no closer than two hundred feet from existing residential dwellings; however, with respect to accessory structures not greater than three hundred square feet in said districts, the SPGA, in its discretion, may reduce said setback by an amount up to but not greater than one hundred feet if it determines that said structure will not adversely impact the use and enjoyment of the existing residential dwelling. In the MU and GB districts, the setback shall be fifty feet.

7. **Minimum Lot Frontage.** The minimum lot frontage shall conform to the requirements of the district where such use is located.

8. **Town Services.** Assisted living residences shall be serviced by public water and sewer of sufficient capacity to serve the project. Any extension and/or replacement of sewer and/or water lines necessary to provide sufficient capacity shall be the responsibility of the applicant.

9. **Transportation Services.** The operator of the assisted living residence shall be required to provide or arrange for transportation to town services and facilities.

10. **Common Open Space:** In the SPA and SRB Districts, there shall be an area of common open space equal to at least thirty percent (30%) of the lot area. The common open space shall be retained in perpetuity for conservation or passive recreation use. No more than twenty-five percent (25%) of the minimum required open space shall be situated within wetlands. A permanent conservation restriction running to or enforceable by the town shall be recorded for the common open space area and shall include restrictions that the land be retained in perpetuity for conservation and/or passive recreation.

11. **Parking.** The minimum number of parking spaces provided on the lot shall be 0.4 parking space per assisted living unit plus one parking space per three employees during the largest shift. Up to twenty-five percent (25%) of the minimum number of required spaces may be allocated for compact cars in accordance with the design standards of Appendix A, Table 3 this by-law. The Planning Board, in its discretion, may require additional parking spaces to serve the needs of employees, visitors and service vehicles, such spaces to be provided in a "reserve parking area" which would not be built unless determined necessary by the Inspector of Buildings.

12. **Access and On-site Circulation.** Adequate on-site circulation shall be provided to and from the site, taking into consideration the adjacent sidewalks and streets and accessibility of the site and building(s) thereon for emergency vehicles. Adequate provision shall be made for off-street loading and unloading requirements of delivery vehicles and passengers using private transportation.

13. **Public Safety.** The facility shall also have an integrated emergency call, telephone and other communication system to provide monitoring for its residents. There shall be sufficient site access for public safety vehicles. A plan shall be approved by the Andover Fire Department for the emergency evacuation of residents with emphasis on ensuring the safety of residents with physical impairments.

14. **Landscaping.** Landscaping and screening is required to obscure visibility from beyond the boundaries of the premises of parking areas, dumpster locations and loading areas. In the SRA and SRB Districts, the minimum setback from all property lines of such parking lots, dumpster locations and loading areas except for their points of ingress and egress, shall be fifteen feet.

7.4.4. **Assisted Living Residences - Affordability.** Except as provided in Sections 7.4.4.6 and 7.4.4.10, fifteen percent (15%) of the total number of assisted living units shall be set aside as affordable housing units for elderly persons who qualify as low, moderate, or upper-moderate income persons as defined as follows:

Low income - below 60% of the Lawrence Standard Metropolitan Statistical Area (SMSA) median income based on Housing and Urban Development (HUD) figures ("median income").

Moderate income - 60-79% of median income.

Upper-moderate income - 80-100% of median income.

1. In determining the total number of affordable units required, a fractional unit of 0.5 or more shall be regarded as a whole unit. To the extent legally permissible, the affordable units shall be offered to eligible Andover residents before being offered to non-Andover eligible elderly persons.

2. Such affordable units may be rented, sold or otherwise provided to qualified elderly persons in accordance with income and asset limitations established by the authorizing state or federal agency in those instances where the affordable units benefit directly from such assistance, or in the absence thereof pursuant to the definitions of income and assets established for the Low-income Housing Tax Credit program, or pursuant to the standards promulgated by the SPGA.

3. Affordable units shall be dispersed throughout the building(s) and shall be compatible with and generally comparable to the market-rate units in terms of location, quality and character.

4. Of the affordable units, the applicant shall set aside units representing all three income levels as follows: twenty percent (20%) shall serve low income persons, fifty percent (50%) shall serve moderate income persons and thirty percent (30%) shall serve upper-moderate income persons.

5. Although eligibility for the affordable units shall be determined by reference to income and assets of the prospective residents, the affordable units shall be considered affordable only if they are restricted in the amount of monthly rent or other monthly charges for the unit based upon a percentage of the applicable median income. For purposes of computing the monthly rent or other monthly charges for the unit, there shall be excluded any special charges for extra or specialized services which are not provided to the general population of the project but are unique to the particular needs of an individual resident. The standards of affordability for proposed projects, including, without limitation, the methods of determining and maintaining eligibility, the percentage of applicable median income used for limiting the monthly amounts charged for the affordable units and any variations in the percentages of median income in the three income levels shall be set and revised from time to time by the SPGA provided said standards are consistent with appropriate federal and state standards.

6. At the discretion of the SPGA, the applicant may be permitted to set aside a lower percentage of affordable units, but in no case less than ten percent (10%) of the units, if, in the opinion of the SPGA, the applicant has demonstrated that public subsidies (including, without limitation, public or low interest financing, tax benefits and town-provided subsidies such as provision of services, real estate tax abatements or reduced assessments or reductions of water and sewer charges with respect to the affordable units) are unavailable or inappropriate and/or the provision of the required percentage of affordable units will threaten the viability of the project without some form of relief. In such cases, or in order to encourage an applicant to exceed the required percentage of affordable units, the SPGA may:

a. Provide a density bonus whereby the total number of allowable units computed hereunder ("Maximum allowable units") may be increased by an amount of additional units determined by the SPGA, not to exceed twenty-five percent(25%) of the maximum allowable units, and any such additional units granted by the SPGA as a density bonus shall be market units and shall not cause a corresponding increase in the number of required affordable units;

b. Permit higher percentages of units to be offered to moderate or upper-moderate-income persons; and/or

c. Permit the applicant to make a cash or other contribution to the town or its designee for use by the town in (1) providing or subsidizing affordable housing for low, moderate, and upper-moderate-income elderly persons as defined by this section of the by-law or (2) providing other elderly facilities or elderly services.

7. Affordability restrictions shall be embodied in applicable deed covenants, contractual agreements and/or other mechanisms to ensure compliance with this section.

8. All affordable units shall be maintained as affordable housing units for the life of the assisted living facility.

9. Prior to the issuance of any building permit for any units, a clearance certificate shall be required to be issued by the Planning Department indicating compliance with this subsection. No clearance certificate shall be issued for any units until (a) all documents necessary to ensure compliance with this subsection including, without limitation, the documents referred to in Section 7.4.4.7 have been executed and, if required, recorded at the Registry of Deeds and (b) any required cash or other contribution has been made to the town or its designee.

10. Nothing in this subsection shall preclude a developer from setting aside more than the required number of affordable units or from setting aside additional units for higher but limited income groups or from setting aside more units for lower-income groups.

7.4.5. Assisted Living Residences - Accessory Uses. The operator of the assisted living facility may also provide optional services on the site for the convenience of residents, including but not limited to transportation, barber/beauty services, sundries for personal consumption, laundry services and other amenities, provided such uses serve primarily the residents and staff of the assisted living residence and the accessory uses shall be wholly within a residential structure and shall have no exterior advertising display.

7.4.6. Long-term Care Facilities - Dimensional Requirements and Design Standards.

1. Building Coverage. The maximum building coverage, including accessory buildings, shall not exceed thirty percent(30%) of the lot area for new construction or expansion of existing structures.

2. Building Setbacks. Buildings shall be set back a minimum of fifty feet from all property lines.

3. Setback from Residential Dwellings. All buildings associated with the long-term care facility shall be no closer than two hundred feet from existing residential dwellings.

4. Minimum Lot Frontage. The minimum lot frontage shall conform to the requirements of the district where such use is located.

5. Town Services. Long-term care facilities shall be serviced by public water and sewer of sufficient capacity to serve the project. Any extension and/or replacement of sewer and/or water lines necessary to provide sufficient capacity shall be the responsibility of the applicant.

7.4.7. Congregate Living Facilities - Dimensional Requirements and Design Standards. The provisions for assisted living residences, Sections 7.4.3 to 7.4.5 inclusive, shall apply.

7.4.8. Independent Living Residence - Dimensional Requirements and Design Standards.

1. The provisions of Section 7.6.2 for conversion of a one- or two- or more family dwelling, shall apply.
 2. Parking Requirements. The provisions of Appendix A, Table 3, Section A.S.d shall apply.
- 7.4.9. Special Permit Procedure. The procedure for a special permit under this section shall be governed by Section 9.4.

Note: Section 7.4.8 - Independent living residence.

ELDERLY : For the purposes of this by-law, a person who is 55 years of age or older.

INDEPENDENT LIVING RESIDENCE : A dwelling that provides accommodations in dwelling units for elderly persons. These residences may include common areas, a common dining facility and space for the provision of social, psychological and educational programs.

Arlington *Does zoning include any provisions for housing that is restricted by age?*

No Laura Weiner, Planner, confirmed (9/14/04) that Arlington does not have zoning provisions for age-restricted housing.

Ashland *Does zoning include any provisions for housing that is restricted by age?*

Yes Ashland Town Bylaws, Chapter 282, Zoning Bylaw, Section 282-48: " D. GENERAL REQUIREMENTS. The following general requirements shall apply to Senior Residential Communities:
(1) A Senior Residential. Community District, consisting of single-family residences, supplemented by appropriate amenities as described herein, shall be superimposed as an overlay district in zoning districts Residential A (RA, allowing single family), Residential B (RB, allowing single and two-family), Commercial A (CA, allowing single-family), Commercial B (CB, allowing single and two-family) as well as within the non-industrial-type components established in 282-45 (Mixed Use Special District.)"

Section 282-48. Senior Residential Community (SRC).

[Added 5-13-1998 ATM, Art. 34]

A. PURPOSE. The purpose of this section is to promote alternative housing for a maturing population; to provide a type of housing which reduces residents' hardships of property maintenance and which reduces demands on municipal services; and to promote flexibility in land use planning in order to improve site layouts, safety, protection of nature attributes and environmental values and utilization of land in harmony with neighboring properties.

B. OCCUPANCY QUALIFICATIONS. Any application for a SRC shall indicate, and ensuing use shall sustain, compliance with MGL, Chapter 151B, 4, 6. Provided housing shall be individually owned and occupied by at least one (1) person who is fifty-five (55) years of age, or older; and more than one (1) additional occupant who shall be under fifty five years of age, unless otherwise qualifying as a handicapped adult, or as herein further provided. In addition, and only in proven cases of family emergency, as determined by majority vote of any homeowner's association management board, no more than two (2) additional persons, above the number which is specifically herein authorized, who are under age fifty-five (55) and directly related, shall be allowed to be an occupant of any dwelling unit for more than six (6) months duration. Extensions of such minimum time duration may be granted by majority vote of such board. Occupancy requirements shall be exclusive of nurses or other persons to provide health care services to any occupant of said dwelling unit. In the event of the death of the qualifying owner/occupant of a dwelling unit, or foreclosure or other involuntary transfer of a dwelling unit in a SRC, a two (2) year exemption shall be allowed for the transfer of the unit to another eligible household.

C. DEFINITIONS. Appropriate definitions of terms used in this section are found in Section 282-99. (Terms defined)

The proposed dwellings/structures meant to be provided in this section (Section 282-48) commonly are not constructed within the separate lot framework associated with the definitions of the terms `Lot,' `Lot Area,' `Lot Coverage,' `Lot Frontage,' and `Yard (front, rear and side) as listed in Section 282-99 (Definitions) of this Chapter. Such terminology, as used in this section (Section 282-48), is meant only to associate with the definitions as if the included dwellings/structures were to be provided on separate lots. [Amended 5/12/99]

D. GENERAL REQUIREMENTS. The following general requirements shall apply to Senior Residential Communities:

(1) A Senior Residential Community District, consisting of single-family residences, supplemented by appropriate amenities as described herein, shall be superimposed as an overlay district in zoning districts Residential A (RA, allowing single family), Residential B (RB, allowing single and two-family), Commercial A (CA, allowing single-family), Commercial B (CB, allowing single and two-family) as well as within the non-industrial-type components established in 282-45 (Mixed Use Special District.) Use shall be authorized by Special Permit issued by the Planning Board, hereunder, if application is in compliance with the following provisions:

(a) - the Subdivision Rules and Regulations adopted by the Planning Board, at time of Preliminary Plan submittal, shall be in force (see Chapter 344, Subdivision of Land), except as herein otherwise provided; and

(b) - the site is reasonably protected from excessive noise, traffic, a pollution and other harmful physical influences; and

(c) - the proposed use shall be served by municipal water and sewer services unless the Planning Board, with advise from the Ashland Board of Health and/or the Department of Public Services, deems that alternative services shall meet the long term needs of such proposed use and the Town of Ashland; and

(d) - the Planning Board deems that the requirements of 282-10. Special permits, have been satisfied; and

(e) - the requirements of Article I, 282-6. Site plan review, shall be in force; and

(f) - the site, when utilized for the purposes of this section (282-48) and combined with any other use or uses allowed in the underlying zoning district, is of sufficient size, shape, topography and location to be capable of accommodating such multiple uses, as determined by the Planning Board; and

(g) - the Special Permit applicant for a SRC shall be the owner of any parcel(s) proposed for such development or an applicant showing proof in writing by the owner of such parcel(s) to be authorized to apply for and be issued such Special Permit, and shall establish to the satisfaction to the Planning Board that the applicant has the knowledge, experience and financial resources sufficient to construct and complete the development.

E. SITE REQUIREMENTS. For the purposes of this section (282-48) the following site requirements shall be met:

(1) - Parcel Area/Frontage Requirements - minimum parcel area and minimum parcel frontage requirements shall coincide with that of the underlying zoning district in addition to satisfying the requirements of (2), (3), and (4), as well G:

(a) - the land under construction shall be located on one (1) or more contiguous parcels, whether or not separated by a public or private way, with definite boundaries ascertainable from a recorded deed or recorded plan;

(2) - each dwelling unit lot area shall have no more land than ten (10) percent which is underwater land, or is qualified as a wetland resource as defined in M.G.L., Chapter 131, Section 40, or in the Wetlands Protection By-Law, Chapter 280 of the Ashland Code, and contains no slopes greater than twenty-five (25) percent, singularly or combined;

(3) - larger lot sizes may be required, as determined by the Planning Board with advise from the Board of Health, where municipal sewerage is not available, and considering soil conditions, water table and slope conditions;

(4) - Open Space - all remaining land in the development not contained in single/attached dwelling lots, or within rights-of-way and municipal easements, shall be held in common use of the residents of the development and, in some circumstances, of the Town, as open space, as determined by the Planning Board, and shall meet the following requirements:

(a) - all such open space parcels, together, shall equal not less than thirty (30) percent of the total parcel area and shall serve passive recreational purposes as well as the requirements of F.(6), (b) and (c), and G.(6)(b);

(b) - wetlands, as determined by the Conservation Commission, shall not qualify as open space, except to the extent that such wetlands are situated in the development perimeter buffering area;

(c) - the open space areas shall maximize the value of wildlife habitat shall be contiguous, have not less than twenty (20) feet of handicapped accessible frontage on each right-of-way and internal drive, of the development and shall be configured to preserve large blocks of undisturbed land;

(d) - landscape plantings shall not be permitted, except in areas where re-vegetation may be necessary to increase buffering/screening, as determined by the Planning Board; and,

(e) - desirable qualities of open space reservations are continuity of open space within the development and into existing or potential adjoining developments, protection of watercourses, wetlands and other ecologically sensitive areas, configuration reflecting land forms and existing vegetative patterns and handicapped accessibility from at least fifty (50) percent of the abutting dwelling lots.

F. BUILDING AND DWELLING UNIT REQUIREMENTS.

(1) - Number of Dwelling Units Permitted - Written computation shall be provided to the Planning Board, at the time of application submittal, based on a

maximum average of five (5) dwelling units per acre of such land dedicated to dwelling unit building lots, with the maximum number of bedrooms in each dwelling unit limited to two (2): the method of distribution of allowable dwelling units per acre shall determine the total number of allowable dwelling units;

(2) - Dwellings may be provided as detached single units, or attached in groups of two (2), with such attachments located side-by-side. Each dwelling unit shall include garaged parking for two (2) vehicles, positioned in line, front to back or as site conditions allow side by side as determined by the Planning Board; and one (1) exterior paved parking space.

(a) - single dwelling unit lot sizes shall be eight thousand (8,000) square feet, minimum;

(b) - attached dwelling unit lot sizes shall be fifteen thousand (15,000) square feet, minimum;

(3). Maximum Building Height (including accessory buildings) - One (1) story, except two (2) story structures may be permitted as an incentive for providing smaller building footprints for dwellings; provided that only a second bedroom with adjoining bath and closet(s) may be provided at such second story level to the extent that the dwelling footprint, as well as the second floor area does not increase beyond that of the first floor. All areas under the roof may provide appropriate second floor living area and mezzanine/lofts as regulated by the State Building Code.

**Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 10/16/02.

(4) - One (1) Bedroom Limitation - no more than twenty (20) percent of the maximum number of allowable dwelling units shall have less than two (2) bedrooms.

(5) - The positioning of buildings shall be staggered a minimum of ten (10) feet along each right-of-way, preferably in a non-regular pattern, while maintaining setback requirements. Such positioning shall be depicted on Definitive Plans.

(6) - Allowable Accessory Buildings, Structures and Preferred Amenities

(a) Individual Dwelling Lots

(i) - attached garages, and other customary accessory structures except storage-type sheds shall be allowed, as determined by the Inspector of Buildings after Definitive Plan approval, if keeping within dwelling lot coverage and floor area ratio limitations;

(ii) - such accessory arrangements shall be depicted on the Definitive Plan if contemplated prior to Definitive Plan approval;

(b) - Open Space

(i) - clubhouse(s), swimming pool(s), tennis court(s), cabana(s), storage and maintenance structures and other accessory structures shall be allowed, as determined by the Inspector of Buildings after Definitive Plan approval, if in keeping within development parcel coverage and floor area ratio limitations;

(ii) - such accessory arrangements shall be depicted on the Definitive Plan if contemplated prior to Definitive Plan approval;

(c) - Preferred Amenities the creation of outdoor areas which may include, but are not limited to, sitting areas with tables, gazebo(s), trellises, paved and level walking paths, planters and individual/community garden space(s);

(7) - Building Design Criteria - all buildings and structures shall be designed, located and constructed to afford the following:

(a) - compatibility of architectural styles, scales, building materials and colors within the development;

(b) - variations in facade, roof lines and interior layouts of dwelling units;

(c) - harmonious relationship of buildings and structures to each other with adequate light, air, circulation, privacy and separation;

(d) - the capability for constant surveillance, orientation and recognition; to this end, and in lieu of providing conventional street lighting, individual building lot front yards and other areas along roadways not fronting building lots and approaches to common-use buildings and structures, shall be provided with architecturally compatible street-level-type lamp post lighting necessary to provide safety, security and visual indications, as determined by the Planning Board,

G. ADDITIONAL PHYSICAL REQUIREMENTS.

(1) - Setbacks;

(a) - single/attached dwelling units - front yards shall be twenty (20) feet minimum, rear yards shall be thirty (30) feet minimum and side yard separation of abutting dwellings shall be twenty (20) feet minimum. A five (5) foot side yard setback shall be allowable only on one (1) side of any dwelling unit, provided that twenty (20) foot separation with abutting dwellings is maintained. [Amended 5/12/99]

(2) - Development Parcel Lot Coverage (density) - twenty-five (25) % maximum.

(3) - Dwelling Lot Coverage (density) - twenty-five (25) % maximum

(4) - Floor Area Ratio - 0.5 maximum

(5) - Distance between common use buildings/structures - thirty (30) feet

(6) - Additional Parking Provisions - in addition to individual dwelling unit parking requirements addressed, supra, within the development, separated and screened from the majority of dwelling units, there shall be provided an additional paved and lined parking area, equivalent to twenty (20) % of that which is provided for dwelling units, for the longer-term parking and storage of recreation-type vehicles, not used on a daily basis; such area may additionally serve to accommodate overflow guest parking and may be located within any qualifying open space along the perimeter of the development,

(7) - The right-of-way network shall be so designed and constructed as not to allow vehicular traffic throughout the development from neighboring parcels or streets. Road signs shall be posted to indicate "NOT A THRU STREET", or other appropriate wording, to temper unnecessary intrusion of off-site traffic.

(8) - Paved sidewalks shall be located and constructed to the bounds of the development from interior roadways to provide pedestrian access to neighboring streets and abutting parcels, if practical, as determined by the Planning Board.

(9) - Along the perimeter of the development parcel, for a depth of thirty (30) feet minimum, landscape greenery or other buffering/screening method(s), in place at the time of development, which can serve to obstruct the view of adjacent land use properties from one another, shall remain undisturbed; except for underbrush clearing and general maintenance. If such existing buffering/screening is deemed insufficient it shall be supplemented as determined by the Planning Board.

(10) - Right-of-ways, driveways and sidewalks within the development shall meet such width, grades, radius of curvature and construction standards as required by the Planning Board Subdivision Rules and Regulations, except for the purposes of this development, the right-of-ways shall be classified as lanes, with the added requirement of paved sidewalk on one (1) side.

H. SPECIAL REQUIREMENTS.

All improvements to the development parcel, including rights-of-ways and dwelling unit/common area utility services, except as agreed to by the Town of Ashland when considering access for municipal emergency response vehicles, shall be considered private. During construction and after completion of the development, the developer, as well as owners of dwelling units and/or building lots, shall be responsible for the maintenance of dwelling unit/common, area driveways and walkways, parking area(s) and all snow plowing, landscape maintenance, trash removal and maintenance and repair of other common elements and facilities serving the residents. The Town of Ashland shall not be responsible, therefor, unless so agreed. Implementation of the above shall be documented in the following manner: open space and such other facilities as may be held in common, shall be conveyed to a corporation or trust comprising a homeowner's association whose membership includes the owners of all lots or dwelling units contained in the development. The developer shall include in the deed to owners of individual lots beneficial rights in said open space and shall grant a conservation restriction to the Town of Ashland over such land pursuant to Chapter 184, 31 through 33, M.G.L., to ensure that such land is kept in an open or natural state, except as authorized, supra. This restriction shall be enforceable by the Town through its Conservation Commission in any proceeding authorized by Chapter 184, 33, M.G.L. In addition, the developer shall be responsible for the maintenance of all improvements to the land until such time as the homeowner's association is capable of assuming such responsibility, and/or the Town has accepted responsibility for rights-of-ways and any assigned easements. In order to assure that the association will properly maintain the land deeded to it under this section, the developer shall cause to be recorded at the Middlesex County Registry of Deeds, or other cognizant authority, a Declaration of Covenants and Restrictions that shall, at a minimum, provide the following:

(a) - Mandatory membership in an established homeowner's association as a requirement for ownership of any lot in the development, and

(b) - Provision for maintenance assessments of all lots in order to ensure that the developed and open space land is maintained in a condition suitable for uses approved by the homeowner's association. Failure to pay such assessment shall create a lien on the property assessed, enforceable by either the homeowner's association or other owner of any lot, and

(c) - Provisions, which so far as possible under the existing law, will ensure that the restrictions placed on the use of the developed and open space land will not terminate by operation of law or, that in the case of termination, that mandatory renewal of all restrictions shall occur automatically.

1. APPROVALS AND CONDITIONS. The Planning Board, as Special Permit Granting Authority, may impose additional conditions not inconsistent with this or other sections of the Code, Chapter 282 (Zoning) and all state and Federal applicable laws.

In the Wildwood Mixed Use Special District, the following uses are allowed (among others):

Age restricted, attached (as defined in 282-49C)... by right in A and B, not allowed in C.

Age restricted, mixed use building - defined as including one, a portion of a building containing more than one dwelling unit used for occupancy by individuals living independently of each other containing at least one dwelling unit owned or occupied by at least one person who is fifty-five years of age

or older; and no more than one additional occupant who may be under fifty five years of age, unless otherwise qualifying as a handicapped adult; two, as portion of the building for occupancy of commercial uses... by right in A and B, not in C.

Age restricted, multifamily (as defined in 282-49C.)... by right in A, not in B or C.

Dwelling, multifamily... by right in A, not in B or C.

Dwelling, multifamily in a mixed use building - defined as including one, a portion of a building containing more than one dwelling unit; two, a portion of the building for occupancy of commercial uses.... by right in A and B, not C.

Public housing for the elderly... by right in A

Affordable housing (defined as housing meeting affordability standards of the Commonwealth of Massachusetts Department of Housing and Community Development)... by right in A.

Attleboro *Does zoning include any provisions for housing that is restricted by age?*

Yes According to City of Attleboro Zoning Bylaws §17-3.4 TABLE OF USE REGULATIONS, "multifamily dwellings primarily for the elderly and handicapped" is allowed by special permit in areas zoned GR, SR, CB, & GB.

City of Attleboro Zoning Bylaws §17-11.2 DEFINITIONS Dwelling, Multi-Family; Primarily For The Elderly And Handicapped: Any multifamily dwelling in which the elderly and handicapped shall at all times be given priority in occupancy, and which at no time shall have less than fifty (50%) percent of the units occupied by the elderly, and which at no time shall have more than fifteen (15%) percent of the units occupied by those other than the elderly and handicapped. The word "elderly" as used herein is defined as any person who is 55 years or older, and the word "handicapped" as used herein is defined as any person whose impairment –
a. is expected to be of continued and definite duration,
b. substantially impedes her/his ability to live independently, and
c. is such that his/her ability to live independently could be improved by more suitable housing.
[City of Attleboro Zoning Bylaws, last amended November 2002]

Auburn *Does zoning include any provisions for housing that is restricted by age?*

No

Avon *Does zoning include any provisions for housing that is restricted by age?*

No

Ayer *Does zoning include any provisions for housing that is restricted by age?*

No

Bedford *Does zoning include any provisions for housing that is restricted by age?*

Yes

Although it appeared in August 2004 that there was no age-restricted zoning, in November the researcher found it in the bylaw. In the Table of Use Regulations, it appears as 4.2.5 Housing for the Elderly, a use allowed by special permit in each of the residential districts, but not in the business and industrial districts.

4.2.5 Housing for Elderly

Single family detached other than a single family dwelling in accordance with Subsection 4.2.1 and attached, and multi-unit structures of all types which will be owned and operated by the Bedford Housing Authority and for which it is the applicant, provided that the Board shall find that the proposed design is generally consonant with the purposes of this Bylaw.

ELDERLY : Two or more persons sharing a household, the older of which is 55 years of age or over or a single person who is 55 years of age or over.

Richard Joly, Director of the Planning Department, said (9/2/04) that Bedford does not have provisions for age-restricted housing.

Bedford Comprehensive Plan, December 2002, Chapter 3: Housing. Proposals and recommendations.

3-1. Pass Active Seniors Housing Provision

Draft a Zoning bylaw to encourage the construction of housing for Bedford's "active seniors", those in the 55+ age group. This housing would include different price ranges and fewer bedrooms per unit than typical units. This proposal would serve a segment of the population that is not adequately served by Bedford's housing supply. In addition, this proposal would result in a positive fiscal benefit to the town since very few school age children would reside in this housing. To provide an incentive for developers, a density bonus would be allowed for this type of housing with a special permit. This increase in density would be offset by the fact that seniors typically make fewer automobile trips generating less traffic and at off-peak hours.

Town of Bedford Zoning Bylaw, Section 10 (from ordinance.com, updated 2002)

10. NURSING CARE FACILITY

10.1 Purpose

Nursing Care Facility (NCF) allows by Special Permit from the Board a greater flexibility in development from the pattern otherwise permitted in Residence Districts, provided that an application for such use is approved by the Town Meeting. It is intended to encourage the preservation of open spaces while at the same time allowing a greater mixture of buildings, structures and uses with regard to density than is permitted in Residence Districts with special attention given to the concerns of the ill and elderly. Attention also shall be given by the Board as to whether site layout, number, type and size of buildings and structures constitute a suitable project for the neighborhood within which it is to be located and enhance the quality of living for the NCF residents, the immediate neighborhood and the Town generally.

10.2 Definitions

10.2.1 NURSING/SPECIAL CARE FACILITY : A facility for the care of persons requiring daily attention by medical or nursing personnel or for reasons of ill health or physical incapacity.

10.2.2 HOSPITAL FACILITY : A facility or institution where sick or injured persons are given medical and surgical care.

10.2.3 CONGREGATE LIVING FACILITY : A facility providing private or communal lodging for persons requiring limited medical attention or supervision and who ordinarily are ambulatory. In addition to bed space such facilities may include semi-private or private food preparation facilities, common dining facilities and common semi-private or private bath and toilet facilities.

10.2.4 INDEPENDENT LIVING FACILITY : A facility providing independent dwelling for a retired or elderly couple or individual. In addition to bed space such facilities ordinarily would include private toilet, bath, food preparation facilities and a private dining area.

10.2.5 ELDERLY : Two or more persons sharing a household, the older of which is 55 years of age or over or a single person who is 55 years of age or over.

From ordinance:

4. CLASSIFICATION OF PRINCIPAL USES

4.2.5 Housing for Elderly

Single family detached other than a single family dwelling in accordance with Subsection 4.2.1 and attached, and multi-unit structures of all types which will be owned and operated by the Bedford Housing Authority and for which it is the applicant, provided that the Board shall find that the proposed design is generally consonant with the purposes of this Bylaw.

10.3 Standards

10.3.1 Minimum Tract Size

Nursing Care Facility shall be permitted upon a single tract in one ownership with definite boundaries ascertainable from a recorded deed or record plan which has an area of not less than 50 acres. Existing public or private ways need not constitute boundaries of the tract, but the area within such ways shall not be counted in determining minimum tract size.

10.3.2 Permissible Density

The density in a Nursing Care Facility shall not exceed an average of eight and one-half persons per acre exclusive of land situated within Flood Plain/Wetland District.

10.3.3 Permitted Uses

10.3.3.1 Principal Uses:

- (a) Nursing/Special Care Facilities;
- (b) Hospital Facilities;
- (c) Congregate Living Facilities;
- (d) Independent Living Facilities, provided that no more than 33% of the gross residential population shall be housed in such facilities;
- (e) Day Care Center for elderly persons;
- (f) Facilities for medical, rehabilitative, recreational, social and nutritional programs, dining rooms, kitchen facilities and laundry facilities; and
- (g) Any other uses permitted in a Residence District.

10.3.3.2 Accessory Uses

Accessory uses incidental to the principal uses indicated above, including the following, provided that in all cases such accessory uses shall be for the benefit of the NCF residents and retired or elderly persons and shall be limited in size and character necessary to serve such persons;

- (a) Limited administrative and professional offices which are required for the operation of any of the principal or accessory uses;
- (b) Lounge, snack bar and related kitchen facilities, barber shop, beauty parlor and pharmacy;
- (c) Facilities for the sale of services and merchandise;
- (d) Places of public assembly, including auditorium and chapel facilities; and
- (e) Lodging facility in a free-standing building, with not less than four, nor more than six bedrooms, for persons visiting a Nursing Care Facility, or its residents, provided that such lodging facility contains not more than one kitchen and provided, further, that space in a lodging facility not used for bedrooms or kitchen may be used as otherwise permitted by Section 10.3.3.2.

10.3.4 Frontage and Yard Requirements

No parking, building or other above ground structure shall be located within 100 feet of the NCF tract perimeter. Such areas, except for road or utility crossing, shall provide a continuous landscaped perimeter, provided that nothing shall prevent the projection of walls and fences.

10.3.5 Height

The maximum height of any structure shall not exceed 35 feet.

10.3.6 Maximum Coverage

The maximum permitted coverage of all structure shall not exceed 30% of the land situated outside the Common Open Space and no more than 5% of the maximum coverage may be used for accessory structures.

10.3.7 Common Open Space

All land within the Nursing Care Facility tract which is not specifically reserved for the support of the NCF facilities and which is not covered by buildings, roads, driveways, parking areas or service areas, or which is not set aside as private yards, patios, or gardens for residents shall be Common Open Space. The area of Common Open Space shall equal at least 35% of the total area of the NCF tract and no more than 50% off the minimum required Common Open Space shall be situated within the Flood Plain/Wetland District. The Common Open Space shall have a shape, dimension, character and location suitable to enable its enjoyment and use for conservation or agricultural purposes by the residents of the NCF and the inhabitants of the Town. Provisions shall be made so that the Common Open Space is owned by the owners of the NCF, the Town or otherwise as the Board may direct and readily accessible to all residents in the NCF and the inhabitants of the Town. In all cases, a perpetual restriction of the type described in MGL Ch 184, Section 31 (including future amendments thereto and corresponding provisions of future laws) shall be recorded in respect to such Common Open Space. Such restrictions shall provide that the Common Open Space shall be retained in perpetuity for use by residents in the NCF and the inhabitants of the Town for the purposes of conservation or agriculture. The restriction shall specifically prohibit the use of the Common Open Space for all terrain vehicles, snowmobiles, motorbikes, motorcycles and similar vehicles. It shall prohibit the construction of any above ground structures, buildings, roads and paved areas, except for the construction and maintenance of duck-walks, bicycle, equestrian and foot paths or similar facilities for the benefit of the residents. Such restrictions shall be in such form and substance as the Board shall prescribe and may contain such additional restrictions on development and use of the Common Open Space as the Board may deem appropriate.

10.3.8 Parking

Except as provided in this section, all parking shall comply to the extent applicable with the provisions of Subsection 7.4 Parking Regulations.

10.3.8.1 Nursing/Special Care or Hospital Facility

One parking space for every sleeping room for single or double occupancy or where not divided into such rooms, one parking space for each two beds.

10.3.8.2 Congregate Living Facility

One parking space for each 20 beds.

10.3.8.3 Independent Living Facility

One parking space for each dwelling unit.

10.3.8.4 Employee

One parking space for each three employees which can be reasonably expected at any one time on the premises.

10.3.8.5 Public Assembly

One parking space for each four seats of rated capacity in the largest place designated for regular use as a place of public assembly.

10.3.8.6 Visitor

One parking space for each 20 residents in the congregate living or independent living facilities.

10.4 Procedure for Approval

10.4.1 Application

After approval by the Town Meeting in accordance with SubSection 14.8, any person who desires a Special Permit for a NCF shall submit an application in writing in such form as the Board may require which shall include the following:

10.4.1.1 Development Statement

A Development Statement shall consist of a petition, a list of parties in interest with respect to the NCF tract, the names and specific functions of the development team and a site evaluation statement. In the event the Statement shall set forth the development concept in detail, including in tabular form the number of facilities, type, estimated resident population, size, (number of bedrooms, floor area) ground coverage, the area of the NCF and Common Open Space, specifying the portions of each which is situated within the Flood Plain/Wetland District as a percentage of the total area of the NCF tract and a development schedule for all site improvements together with copies of all proposed instruments, including the Common Open Space perpetual restriction.

10.4.1.2 Plans

Development plans bearing the seal of a Massachusetts Registered Architect, Registered Civil Engineer or similar professional as appropriate and consisting of:

- (a) Site Plans and Specifications showing all site improvements and meeting, to the extent applicable, the requirements set forth for a Definitive Plan in the Subdivision Rules and Regulations of the Planning Board;
- (b) Site perspective, sections, elevations 1/8 inch = 1 foot and typical floor plan(s) 1/4 inch = 1 foot;
- (c) Detailed plans for disposal of sanitary sewer and surface drainage; and
- (d) Detailed plans for landscaping.

10.4.2 Referral for Reports

The Board shall, within ten days of receipt of an application under Section 10, refer the application to the Planning Board, Conservation Commission, Board of Public Works, Board of Health and Inspector of Buildings for written reports and recommendations and no decisions shall be made until such reports are returned or 35 days have elapsed following such referral without receipt of such reports.

10.4.3 Planning Board Report and Recommendation

The Planning Board shall review the petition and preliminary plans and shall submit in writing to the Board its report and recommendations relating to the proposed development, including at least the following:

10.4.3.1 Site Evaluation

An evaluation of the natural terrain of the NCF tract and surrounding areas and of the neighborhood in which the tract is situated.

10.4.3.2 Development Evaluation

An evaluation of the proposed development, including the design and use of buildings, roads, utilities, drainage, and of the open spaces, of pedestrian and vehicular circulation, of the location and adequacy of parking and of the provisions for, grading, landscaping and screening.

10.4.3.3 Restricted Land

An evaluation and opinion upon the degree to which any land restricted for the benefit of the NCF residents and the inhabitants of the Town:

- (a) Provides, or will in the future provide, additions to areas of open space between developed sections of the Town;
- (b) Makes available land desirable for future public use; or
- (c) Conforms to the Town's long-range land use plan.

10.4.3.4 Opinion of Suitability

Its opinion as to whether the proposed site layout, number, type, size and configuration of housing and other structures constitute a suitable development for the neighborhood within which it is located.

10.4.3.5 Effect on Town's Infrastructure

The effect of the proposed layout on the Town's existing roadways, water supply and sewage disposal facilities.

10.4.3.6 Adequacy of Plan

A statement that the applicant's plans comply with the Design Standards of the Subdivision Rules and Regulations of the Planning Board or, wherever such plans do not comply, a statement of the respects in which they do not so comply.

10.4.3.7 Recommendations

Recommendations for the granting or denial of the Special Permit, including recommendations for modifications, restrictions or requirements to be imposed as a condition of granting the Special Permit.

10.4.4 Conservation Commission's Report and Recommendations

The Conservation Commission shall review the petition and plans and shall submit in writing to the Board its report and recommendations upon the

degree to which the proposed project enhances the conservation of significant environmental qualities, including at least:

10.4.4.1 Environmental Impact

An evaluation and opinion upon the degree to which the project itself affects critical environmental areas.

10.4.4.2 Open Space Evaluation

An evaluation and opinion upon the degree to which the Common Open Space conserves:

- (a) Critical environmental areas and provides a valuable outdoor resource;
- (b) Enhances the long-term conservation of critical environmental areas, unique natural features, scenic vistas or potential or existing farmland; or
- (c) Provides a valuable addition to the open space resources of the Town.

10.4.5 Board

A Special Permit may be issued under this Section only if the Board finds that the NCF conforms to the requirements and is in harmony with the general purpose and intent of this Section, and that the site layout, number, type and size of buildings and structures constitute a suitable development for the neighborhood in the vicinity of the NCF. If a Special Permit is granted, the Board may impose as a condition thereof that the installation of municipal services and construction of interior drives within the NCF shall comply, to the extent applicable, with the requirements of the Subdivision Rules and Regulations of the Planning Board, may require sufficient security to ensure such compliance and the completion of planned recreational facilities and site amenities and may impose such additional conditions and safeguards as public safety, welfare and convenience may require, either as recommended by the Planning Board or Conservation Commission or upon its own initiative. The Board shall give due consideration to the reports of the Planning Board and Conservation Commission and where the decision of the Board differs from the recommendations of the Planning Board or Conservation Commission, the reasons therefor shall be stated in writing.

Bellingham

Does zoning include any provisions for housing that is restricted by age?

Yes

Section V - Definitions

Assisted Elderly Housing

One or more dwellings, regardless of structural type (single-family, two-family, multifamily) which are structurally configured to serve the elderly, meeting then-current physical standards for publicly-assisted elderly housing and having no units containing more than two bedrooms; and for which there is publicly-enforceable assurance that each resident household will consist entirely of members at least 55 years old; and for which there is contract assurance of support services, such as meals, housekeeping, social services, health services or transportation.

4420. Assisted Elderly Housing.

As provided in Section 2400 Use Regulation Schedule, Assisted Elderly housing may be allowed on special permit in all except the Industrial District. Such special permits shall be acted on by the Planning Board, subject to the following:

4421. For units designated as 'targeted' by the Planning Board under Section 2690, lot area and frontage requirements shall be as specified in that Section, rather than Section 2600 Intensity of Use Schedule.

2690. The lot area requirements for such targeted units shall equal one-half those provided in Section 2600, Intensity of Use Schedule, and frontage requirements shall equal two-thirds of those requirements. All other intensity of use requirements shall be met.

4422. The following information shall be submitted in addition to the submittal requirements of Sec.1423

- (a) A description of the proposed management of the facility.
- (b) A description of the services to be provided to the residents and how such services are to be supplied.
- (c) A description of all common or shared areas.

4423. Approval of the special permit shall be based upon the criteria of Section 4455 Decision.

Code of By-Laws, Division II Zoning

<http://www.bellinghamma.org/townclerkbylzo.htm>

(Revised by Town Clerk 09/2002)

Belmont

Does zoning include any provisions for housing that is restricted by age?

Yes

The Senior Living Subdistrict listed below is part of the McLean District.

Town of Belmont Zoning Bylaws, Section 6.4 (November 17, 2003)

By special permit only, but there is no indication of what age constitutes elderly housing:

6.4 Elderly Housing

"Elderly Housing" as authorized in Section 3.3 Schedule of Use Regulations shall comprise multi-family dwellings operated by the Belmont Housing Authority (BHA) for occupancy by elderly persons or elderly families (as defined in Sec. 26J of G.L. Ch.121 (Ter.Ed.) or 42 U.S. Code, Sec. 1402, both as amended, and equivalent provisions of law from time to time in force).

Town of Belmont Zoning Bylaws, Section 6A.1.2 (November 18,1999)

6A.1.2 Senior Living Subdistrict

Within the Senior Living Subdistrict, a continuing care retirement community shall be allowed, which shall be defined as development comprised of housing and other associated services operated or sponsored as a coordinated unit by a corporation or organization having as its principal purpose the provision of housing and associated services, including those designed to provide for medical care and assistance with activities of daily living, for elderly persons. A continuing care retirement community may include one or more of the following types of facilities:

(a) Independent Living Facilities

Independent Living Facilities provide private living and dining accommodations to persons fifty-five (55) years of age or older, and may include the provision of common areas, social and educational programs, and psychological counseling and crisis intervention as needed, all with the purpose of providing an environment in which older persons can continue to derive the personal and psychological benefits of independent living while also enjoying the substantial social and educational benefits of community living. Home health care facilities for the provision of medical, nutritional, social, psychological and educational services for the residents of the Independent Living Facilities are permitted.

(b) Assisted Living Facilities

Assisted Living Facilities provide a sheltered living environment for persons fifty-five (55) years of age or older, and may include such services as housekeeping, cooking and common dining, social, psychological, and educational programs, programs for Alzheimer care, assistance with personal needs, and crisis intervention, all with the purpose of assisting each resident to continue to develop and to lead a productive and fulfilling life.

(c) Nursing Care Facilities

Nursing Care Facilities are those facilities licensed or approved by the applicable state or federal agency to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves. Nursing Care Facilities may include medical and therapeutic and ancillary support and rehabilitation services, including but not limited to food services, programs for Alzheimer care, social, psychological and educational programs, and twenty-four hour supervision as appropriate.

(d) Multipurpose Senior Facilities

Multipurpose Senior Facilities provide social, educational, medical and therapeutic, wellness, counseling, recreational, outreach, and other activities for residents of the Independent Living Facilities, the Assisted Living Facilities and the Nursing Care Facilities. Multipurpose Senior Facilities may include a beauty parlor/barber shop, convenience store, ice cream parlor, bank, exercise center, and other such services ancillary to a senior living community, so long as such services are provided exclusively for staff, residents and their guests.

(e) Day Care and Similar Programs

Adult day care facilities and respite care facilities shall be allowed; provided, however, that such uses shall not serve more than 100 persons per day.

In the table of use regulations, Elderly Housing is listed as allowed by special permit in SR-A,B,C,D, GR, and AH.

Berkley

Does zoning include any provisions for housing that is restricted by age?

No

Berlin

Does zoning include any provisions for housing that is restricted by age?

Yes

720 SENIOR RESIDENTIAL DEVELOPMENT
(Amended STM 3/29/99, approved 4/14/99)

722.1 General Provisions: In the Senior Residential Overlay District, the Planning Board may grant a special permit for a Senior Residential Development (SRD) as an alternative to conventional subdivision.

723 Senior Residential Development Standards

723.1 Permitted Uses: Land in an SRD may be used for residences and related open space uses as set forth in this Section 720.

723.2 Occupancy Restriction: The following provisions are intended to ensure that the dwelling units in an SRD are used as residences for persons of age 55 and older.

- (a) Each unit in an SRD shall be occupied by at least one person 55 years of age or older.
- (b) Children under age 18 may not reside in a dwelling unit in an SRD for more than six (6) months in any nine (9) month period.
- (c) In the event of the death of the qualifying owner/occupant(s) of a unit, or foreclosure or other involuntary transfer of a unit in an SRD, a two-year exemption shall be allowed for the transfer of the unit to another eligible household.

723.3 Minimum Tract Size:

- (a) The tract of land for an SRD must contain at least twenty (20) acres, and have at least two hundred (200) feet of continuous frontage on an existing Town way.
- (b) The Planning Board may permit lots on directly opposite sides of a street to qualify as a single tract of land. To permit such division of a tract of land by a street, the Planning Board must find that this would comply with the purposes of this section and not result in any more dwelling units than would be possible in accordance with the provisions of this Bylaw if the lots on either side of the street were developed separately. If the Board approves a tract of land divided by a street, it may permit the total number of permitted dwelling units to be constructed on either side of the street.

723.4 Building and Dwelling Unit Requirements

(a) Building Types:

- (1) Dwelling units in an SRD may be attached or detached, or a combination of these types.
- (2) No building shall contain more than four (4) dwelling units.
- (3) Not more than thirty percent (30%) of the dwelling units in an SRD shall contain three (3) bedrooms; and no dwelling unit shall contain more than three (3) bedrooms.

(b) Building Location Requirements:

- (1) Residential buildings shall be set back from structures, ways, and boundaries as follows: 20 feet from other structures within the SRD; 20 feet from a private way or common drive within the SRD; 75 feet from a public way or the boundary of the SRD.
- (2) Where the tract contains a pre-existing residential structure, the lot area for such structure after development of the SRD shall not be reduced below 80,000 square feet, and the frontage for such structure shall not be reduced below 200 feet.

(c) Maximum Residential Density:

The residential density in an SRD shall not exceed three (3) dwelling units per acre of developable area, or six (6) bedrooms per acre of developable area. For the purpose of this computation, the "developable" area shall be the total area of the tract, including the Common Land, but excluding all wetlands, 100-year floodplains and areas subject to existing valid open space restrictions.

[Town of Berlin Zoning Bylaws - revised through 2004] bylaws obtained from ordinance.com

430 SENIOR RESIDENTIAL DEVELOPMENT OVERLAY DISTRICT

(Added STM 3/29/99, approved 4/14/99)

431 Establishment of District

This section establishes a Senior Residential Development Overlay District in addition to the zoning districts described in Article 2 and the other overlay districts described in Article 4. The District is established as a special district which may overlay any other zoning district.

432 Purpose

The Senior Residential Development Overlay District is created for the purpose of permitting Senior Residential Developments in specific areas approved by Town Meeting.

433 Use Regulations

Land within the Senior Residential Development Overlay District may be used for the following purposes:

- (a) all the purposes permitted and as regulated in the underlying district;
- (b) Senior Residential Developments subject to the provisions of Section 720. Such developments shall be subject to the regulations of the underlying district that are not modified by the provisions of Section 720.

723 Senior Residential Development Standards

723.1 Permitted Uses: Land in an SRD may be used for residences and related open space uses as set forth in this Section 720.

723.2 Occupancy Restriction: The following provisions are intended to ensure that the dwelling units in an SRD are used as residences for persons of age 55 and older.

- (a) Each unit in an SRD shall be occupied by at least one person 55 years of age or older.
- (b) Children under age 18 may not reside in a dwelling unit in an SRD for more than six (6) months in any nine (9) month period.
- (c) In the event of the death of the qualifying owner/occupant(s) of a unit, or foreclosure or other involuntary transfer of a unit in an SRD, a two-year exemption shall be allowed for the transfer of the unit to another eligible household.

723.3 Minimum Tract Size:

- (a) The tract of land for an SRD must contain at least twenty (20) acres, and have at least two hundred (200) feet of continuous frontage on an existing Town way.
- (b) The Planning Board may permit lots on directly opposite sides of a street to qualify as a single tract of land. To permit such division of a tract of land by a street, the Planning Board must find that this would comply with the purposes of this section and not result in any more dwelling units than would be possible in accordance with the provisions of this Bylaw if the lots on either side of the street were developed separately. If the Board approves a tract of land divided by a street, it may permit the total number of permitted dwelling units to be constructed on either side of the street.

723.4 Building and Dwelling Unit Requirements

- (a) Building Types
 - (1) Dwelling units in an SRD may be attached or detached, or a combination of these types.
 - (2) No building shall contain more than four (4) dwelling units.
 - (3) Not more than thirty percent (30%) of the dwelling units in an SRD shall contain three (3) bedrooms; and no dwelling unit shall contain more than three (3) bedrooms.
- (b) Building Location Requirements
 - (1) Residential buildings shall be set back from structures, ways, and boundaries as follows:
20 feet from other structures within the SRD; 20 feet from a private way or common drive within the SRD; 75 feet from a public way or the boundary of the SRD.
 - (2) Where the tract contains a pre-existing residential structure, the lot area for such structure after development of the SRD shall not be reduced below 80,000 square feet, and the frontage for such structure shall not be reduced below 200 feet.
- (c) Maximum Residential Density
The residential density in an SRD shall not exceed three (3) dwelling units per acre of developable area, or six (6) bedrooms per acre of developable area. For the purpose of this computation, the "developable" area shall be the total area of the tract, including the Common Land, but excluding all wetlands, 100-year floodplains and areas subject to existing valid open space restrictions.
- (d) Accessory Buildings and Structures
 - (1) Accessory buildings and structures for the use of the residents of the SRD and their guests may be permitted, including garages, clubhouses, swimming pools, tennis courts, cabanas, and storage and maintenance structures.
 - (2) Accessory buildings and structures may be constructed on individual parcels within the SRD, or on land owned in common by the owners of the dwelling units in the development, or by an organization or entity owned and controlled by such dwelling unit owners.
 - (3) Accessory buildings and structures shall be shown on the development plan and may not be constructed within the Common Land except as provided in Section 723.5 below.
- (e) Streets and Utilities

All streets whether public or private, and all sewerage, drainage facilities and utilities, shall be designed and constructed in compliance with the Town of Berlin Subdivision Rules and Regulations, except as specifically modified by the following design standards:

- (1) The minimum widths of public rights-of-way shall be forty feet (40').
- (2) The minimum widths of roadways (paved travel area) shall be sixteen feet (16') for streets providing access to fewer than 20 dwellings, eighteen feet (18') for streets providing access to 20 to 40 dwellings, and twenty feet (20') for streets providing access to more than 40 dwellings.
- (3) The maximum length of a private dead-end street may exceed 500 feet, provided that the minimum paved width of the street shall be eighteen feet (18'), and turnaround areas shall be spaced not more than seven hundred fifty (750') apart, and further provided that the presumptions for approval of common driveways, as set forth in Section 711.1, are met.

(f) Signs

An SRD may have one (1) free-standing sign at each principal access to the development from a public way, indicating the name and/or street address of the SRD. Such sign shall not exceed twelve (12) square feet in area per side nor four (4) feet in height. The provisions of Sections 912 through 934 shall also apply to signage within an SRD.

723.5 Common Land

(a) Dimensional Requirements

In an SRD, at least thirty percent (30%) of the total tract area shall be set aside as Common Land for the use of the SRD residents or the general public. The following additional requirements shall apply:

(1) The minimum required area of Common Land shall not contain a greater percentage of wetlands, as defined in M.G.L. Chapter 131, Section 40, or 100-year floodplains than the percentage of wetlands or floodplains found in the overall tract of land on which the SRD is located.

(2) Common Land shall be planned as large, contiguous parcels whenever possible. Strips or narrow parcels of Common Land shall be permitted only when necessary for access, or if the Planning Board finds that a vegetated buffer strip along the site's perimeter is appropriate and consistent with the purpose of SRD development.

(3) Common Land may be set aside in more than one parcel provided that the size, shape and location of such parcels are suitable for the designated uses.

(4) The Common Land shall include adequate upland access from a way or street, at least 40 feet wide.

(b) Use of the Common Land

(1) The Common Land shall be dedicated and used for conservation, recreation, park purposes, outdoor education, agriculture, horticulture or forestry, or for any combination of such uses. No other uses shall be allowed in the Common Land, except as follows:

(i) A portion of the Common Land may be used for the construction of leaching areas associated with septic disposal systems serving the SRD or for water supply wells serving the SRD, if the Planning Board determines that such will enhance the specific purpose of Senior Residential Development and promote better overall site planning, and if such leaching areas or wells are approved by the Board of Health. Septic disposal easements shall be no larger than reasonably necessary. If any portion of the Common Land is used for the purpose of such leaching areas or wells, the Planning Board shall require adequate assurances and covenants that such facilities shall be maintained by the dwelling unit owners within the SRD.

(ii) A portion of the Common Land may be used for ways serving as pedestrian walks, bicycle paths and emergency access or egress to the SRD or adjacent land, if the Planning Board determines that such a use will enhance the specific purpose of Senior Residential Development and promote better overall site planning, and if the Planning Board finds that adequate assurances and covenants exist to ensure proper maintenance of such facilities by the owner of the Common Land.

(iii) A portion of the Common Land may be used for utility and drainage facilities serving the Senior Residential Development or adjacent parcels, and may be subject to easements for the construction, maintenance, and repair of such facilities.

(2) The minimum required area of Common Land shall remain unbuilt upon, provided that an overall maximum of five (5) percent of such land may be subject to pavement and structures accessory to the dedicated use or uses of the Common Land.

(3) Unless otherwise designated in the Special Permit, the residual open land left unbuilt after development, if not in agriculture or forestry, shall be mowed at least once annually.

(4) The proposed use of the Common Land shall be specified on a Land Use Plan, and appropriate dedications and restrictions shall be part of the deed to the Common Land.

(5) The Planning Board shall have the authority to approve or disapprove particular uses proposed for the Common Land in order to enhance the specific purposes of Senior Residential Development.

(c) Ownership of Common Land

(1) The Common Land may be conveyed in whole or in part to the Town of Berlin if approved by a majority vote of Town Meeting; or to a nonprofit organization, the principal purpose of which is the conservation of open space and/or any of the purposes and uses to which the Common Land is to be dedicated; or to a corporation or trust owned or to be owned by the owners of the dwelling units within the Senior Residential Development. The Planning Board shall approve the form of ownership of the Common Land.

(2) If any portion of the Common Land is not conveyed to the Town of Berlin, a perpetual restriction, approved by the Planning Board and enforceable by the Town of Berlin, shall be imposed on the use of such land, providing in substance that the land be kept in its open or natural state and that the land shall not be built upon or developed or used except in accordance with provisions of an SRD as set forth herein and, if applicable, as further specified in the decision of the Planning Board governing the individual SRD.

(3) The proposed ownership of all Common Land shall be shown on the Land Use Plan for the SRD.

(4) At the time of its conveyance, the Common Land shall be free of all encumbrances, mortgages or other claims (including pre-existing conservation easements or restrictions), except as to easements restrictions and encumbrances required or permitted by this bylaw.

723.6 Maintenance

The owners of the dwelling units within the SRD shall be responsible for the maintenance of all common elements and facilities owned by and serving the residents of the SRD; and an organization of the owners shall be established to carry out these maintenance responsibilities.

723.7 Additional Design Criteria

In addition to the standards set forth above, the SRD shall be designed in accordance with the following objectives, in order of priority:

(a) Building and streets shall be placed on the least fertile soils for agricultural uses, and in a manner which maximizes the usable area remaining for such agricultural use.

(b) Buildings shall be sited within any woodland contained in the parcel or along the edges of the open fields adjacent to any woodland, so as to reduce any impact upon agriculture, to provide summer shade and shelter from winter wind, and to enable new construction to be visually absorbed by the natural landscape features.

(c) Buildings shall be sited in locations least likely to interrupt scenic vistas, as seen from the public roadways.

(d) Buildings shall be sited in locations where the greatest number of units can be designed to take maximum advantage of solar heating opportunities.
(e) Buildings shall be sited to avoid sensitive environmental features, including wildlife habitat, wetlands, water bodies, steep slopes or other important site features.

(f) In the vicinity of existing historic structures on public roads, new buildings may be sited in clusters close to the road to reflect the traditional locations, patterns and setbacks of nearby existing historic buildings. Such roadside clusters shall be compatible with the scale of the surrounding neighborhood and shall maintain at least 75% of the existing undeveloped road frontage in conservation. Architectural design of new buildings (proportions, roof pitches, exterior materials and fenestration) shall reflect the character of nearby existing structures.

(g) The Planning Board may require that not less than five percent nor more than ten percent of the units of the SRD, and the common facilities of the SRD, be handicapped accessible. In determining that the design of any unit is handicapped accessible, the Planning Board shall generally be guided by the standards of the Americans with Disabilities Act and regulations thereunder, provided that such standards shall be applied with the goal of achieving practical accessibility with due consideration that the dwelling units and common facilities are neither public facilities nor subject to the Americans with Disabilities Act as a matter of law. (Added STM 3/29/99, approved 4/14/99)

724 Special Permit Application and Procedures

724.1 General: An application for a Senior Residential Development special permit shall cover the entire Senior Residential Development.

724.2 Submission of Site Plan: The application for a Senior Residential Development Special Permit shall be accompanied by ten (10) copies of an SRD Site Plan and additional documentation as set forth below.

724.3 Site Plan Contents: All site plans shall be on standard 24" by 36" sheets, unless otherwise permitted; shall be prepared by a registered architect, landscape architect, and/or professional engineer; and shall include all of the plans and information listed below:

(a) An "Existing Conditions Plan" (at a scale of not less than 1"=200') showing topography, soil types, watercourses, wetlands and 100-year floodplains; existing streets; and structures within and contiguous to the tract.

(b) An "Overall Land Use Plan" (at a scale of not less than 1"=200') showing the location, ownership, and uses of the proposed Common Land; the areas of residential use, the maximum number of residential units proposed, and the maximum number of bedrooms; any amenity or recreation areas serving the residential uses; and the general layout of all roads and access ways.

(c) "Concept Plans" for the proposed SRD (at a scale of not less than 1"=100') showing the proposed location of each residential building, accessory structure and facility; the proposed location of all roads and access ways, and approximate finished grades; the proposed location of all recreational areas, proposed improvements and structures on the Common Land; and methods for providing water and sewerage facilities.

(d) A plan or plans showing the proposed grading of the tract and the proposed locations, dimensions, materials and types of construction of streets, common drives, parking areas, walks, paved areas, utilities, emergency access ways, and the locations and outlines of all proposed buildings and structures including, but not limited to dwellings, garages, and any accessory structures thereto. If the proposed SRD is to be constructed in separate phases, this plan or plans shall clearly indicate the construction phases proposed.

(e) A plan or plans showing the proposed use of the Common Land (whether public or private), including all improvements proposed to be constructed thereon.

(f) A plan or plans showing in a general way existing vegetation (at a scale of 1"=40') and detailed landscaping and planting plans (at a scale of 1"=40') for all areas to be disturbed and buffer areas.

724.4 Additional Application Materials: The following additional materials shall be submitted with the SRD site plan:

(a) A tabulation indicating the total area, wetlands area and percentage of wetlands for the entire tract, the Common Land, and all lots to be created in the SRD.

(b) A tabulation of proposed buildings by type (i.e., number of units per building, and number of bedrooms per unit).

(c) Copies of all instruments to be recorded with the Senior Residential Development special permit, including the proposed deed(s) for the Common Land, the articles of organization and bylaws of any corporation or trust to be organized to own the land and the language of all restrictions to be imposed on the land.

(e) A Management Plan for the Common Land to be incorporated in deed covenants to be executed with purchasers of land or other interests in the SRD.

724.5 Additional Information: The Planning Board may request additional information and data about site environmental conditions in order to assist it in making the determination required in Section 724.7(b).

724.6 Site Plan Review Procedure:

(a) The Planning Board shall refer copies of the application within five (5) days to the Conservation Commission, Board of Appeals, Board of Health, Building Inspector, Board of Selectmen, Fire Department, Police Department and Highway Department, who shall review the application and submit their recommendations and comments to the Planning Board. Failure of a Board to make a recommendation within forty five (45) days of the referral of the application shall be deemed to be lack of opposition.

(b) The Planning Board shall hold a public hearing to address the Special Permit application and Site Plan Approval application within sixty-five (65) days of the filing of a special permit application with the Planning Board. The Board shall then have ninety (90) days following the public hearing in which to act on the application.

724.7 Planning Board Action

(a) In evaluating the proposed SRD, the Planning Board shall consider:

- (1) the general purpose and objectives of this by-law;
- (2) the existing and probable future development of surrounding areas;
- (3) the appropriateness of the proposed layout of streets, ways, lots and structures;
- (4) the proposed layout and use of the Common Land in relation to the proposed dwelling units in the SRD, the topography, soils and other characteristics of the tract of land in question; and
- (5) the degree to which the proposed development would contribute to the supply of affordable housing in the Town.

(b) The Planning Board may grant a special permit for an SRD if it finds that the SRD:

- (1) complies with the requirements of this Section 720, other applicable requirements of the Zoning By-Laws and, where applicable, the construction and design standards of the Berlin Subdivision Rules and Regulations;
- (2) is consistent with the purposes of this section;
- (3) is sited on soil types that will support the proposed density of development; and
- (4) is in harmony with the existing and probable future use of the area and with the character of the surrounding area and neighborhood.

724.8 Special Permit Conditions: As a condition of approval, the Planning Board may require such changes in the proposed development plans and additional application materials and may impose such conditions and safeguards as it deems necessary to secure the objectives of this bylaw, and to protect the health, safety and welfare of the inhabitants of the neighborhood and of the Town of Berlin. Such conditions shall include the occupancy restrictions adopted under Section 723.2 and the permanent location, ownership and use of the Common Land approved under Section 723.5.

724.9 Additional Special Permit Conditions. As a condition of approval, the Planning Board may establish other special conditions as necessary to mitigate the impacts of the SRD on town services, such as (but not limited to): the arrangement for private disposal of solid waste without use of town facilities for such disposal or arrangements for the private maintenance of roads within the SRD. (Added STM 3/29/99, approved 4/14/99)

725 Change in Plans After Grant of Special Permit

725.1 No change in the location or use of the Common Land shall be permitted. No change in any aspect of the approved SRD site plan shall be permitted unless approved in writing by the Planning Board. A new or amended special permit will be required if the Planning Board determines any proposed change to be substantial.

725.2 No land for which a special permit for a Senior Residential Development has been granted shall be further subdivided, unless such special permit lapses or is rescinded.

726 Rules and Regulations

The Planning Board may adopt and amend reasonable rules and regulations for the administration of this section. Such regulations shall include a schedule of fees and owner/occupancy reporting requirements to satisfy compliance with the age restriction, as well as such other items as the Board deems necessary.

Beverly

Does zoning include any provisions for housing that is restricted by age?

Yes

From definitions:

20. ELDERLY - Persons fifty-five (55) years or older, or those persons permanently disabled.

D. Special Provisions for Congregate Housing for Elderly and/or Permanently Disabled

1. A Special Permit may be granted by the Planning Board in any Residential District for "Congregate Housing for Elderly and/or Permanently Disabled" to permit the following:

All residential developments associated with Congregate Housing for Elderly and/or Permanently Disabled, commercial uses associated with the functioning of Congregate Housing subject to specific, special requirements listed in Section 29-23.C. below.

2. Building and Area Requirements

- a. Minimum lot area: 20 acres
- b. Minimum lot frontage: 250 feet
- c. Minimum setbacks (front, rear, and side): 125 feet
- d. Maximum building height: 35 feet

3. Parking Requirements

One and a quarter (1.25) parking spaces will be provided for each individual unit; loading requirements shall be the same as in Section 29-24.

4. Sign Requirements

All signs showing the location of the project itself shall conform to Section 29-25. No exterior signs advertising on-site commercial uses, and no illuminated interior signs displayed in windows shall be permitted.

5. Special Requirements

a. Commercial uses as described above shall not occupy more than 5% of the gross floor area of the entire complex, and must be housed within the main building on the site.

b. The Design Review Board shall review all Special Permit requests.

c. Plans submitted for Special Permit requests must include a detailed site and landscaping plan showing architectural renderings, parking and egress plans.

d. A plan shall be prepared by the petitioner which shall, to the extent allowable by law, give a preference for housing within the development first, to Beverly residents, then to immediate family members of Beverly residents, and then to residents of cities or towns which have a reciprocal agreement with the City of Beverly.

e. A plan shall be prepared by the petitioner which shall, to the extent allowable by law, designate at least 10% of the units, or more at the discretion of the permit granting authority, for the purpose of providing affordable housing. For the purpose of this paragraph, the definition of affordable housing shall be based on at least the Massachusetts Housing Finance Agency (MHFA) or its successor's definition of low or moderate income for family and/or individuals.

f. The maximum density allowed shall be four dwelling units per acre.

g. Any remaining area of the proposed site not dedicated for buildings, streets, and other public rights-of-way shall be dedicated as open space in perpetuity.

h. The provisions of this section are optional. Nothing herein shall require the Planning Board to approve a Special Permit where it finds the granting of this permit shall adversely affect the general area. 6/30/88

Billerica

Does zoning include any provisions for housing that is restricted by age?

Yes

According to the Town of Billerica Zoning Bylaw, Section 5(e)(4),(Last Amended 2003], elderly housing is allowed by special permit (with Planning Board as special permit granting authority) in the Elderly Housing Overlay District.

5. ELDERLY HOUSING OVERLAY DISTRICT

a. All uses permitted by right or by special permit in the underlying districts are permitted by right or by special permit-in the Elderly Housing Overlay District.

b. In addition, the following RESIDENTIAL uses are permitted:

(1) By right:

(a) Accessory residential uses

(2) By special permit:

(a) Elderly housing for purposes of providing people over 55 years of age the opportunity to live in a development designed specifically for their needs, equipped with the appropriate amenities and located within reasonable proximity to shopping and services.

Requirements for Use:

OVERLAY APPLICATION

The Elderly Housing Overlay District may be applied to the Village Residence, Neighborhood Residence, Rural Residence, Neighborhood Business, and General Business Districts.

AREA AND FRONTAGE

The site shall have not less than five contiguous acres of land and not less than 150 feet of frontage.

GREEN STRIPS

A.25 foot wide green strip shall be provided around the perimeter of the tract, except in the location of curb cuts.

Green strips shall consist of planted or natural vegetation, including trees, shrubs, grasses, ground cover, and flowers.

The green strip shall not be built on, paved, or parked on.

**Webmasters Note: The previous requirement has been added as per an ordinance approved at a town meeting held on 10/2/01.

YARDS

On each site there shall be provided a minimum setback of 35 feet from the front lot line, a minimum setback of 30 feet from each of the side lot lines, and a minimum setback of 30 feet from the rear lot lines.

If an Elderly Housing Overlay District development abuts a single-family district, the side and rear setbacks shall be increased to 85 feet, of which 25 feet shall be retained in its natural wooded state or landscaped along the perimeter of the site abutting the single family district. In all cases, a landscaped buffer strip shall be provided so as to protect adjoining properties from the effects of noise, lights, air, or visual impact.

There shall be no structures, retaining walls, covered or uncovered porches, steps or paving within the buffer zone.

HEIGHT

Buildings and structures shall not exceed two and one-half stories or be more than 35 feet in height, provided that no living quarters shall be located below the mean finished grade of the ground adjoining the building or above the second story.

DENSITY

A.minimum of 6,800 square feet of land shall be required for each dwelling unit.

**Webmasters Note: The previous sentence has been amended as per an update approved at a town meeting held on 5/6/03.

The area used in the calculation shall not include any bordering vegetative wetlands defined by M.G.L., ch. 131, § 40 and by 310 CMR 10.00 or any flood plain as described in this Zoning By-law.

DENSITY INCENTIVE

In addition to the density allowed under this subsection, densities may be increased by 20% if at least half of all additional units created are affordable as defined by Section 2 of this by-law under the entry "Affordable Housing Unit". (As an example: If you can build 10 dwelling units by right or special permit then you could build twelve (12) if one (1) of the additional two (2) units is affordable. In cases where 10% affordable is required you would end up providing 2 affordable units and 10 market units).

**Webmasters Note: The previous paragraph has been added as per an update approved at a town meeting held on 5/6/03.

SEWER AND WATER

All sites must be served by the Town water systems.

All sites must be served by an existing Town sewer, or by an extension of an existing Town sewer line approved by the Board of Selectmen, or by a private septic system approved by the Board of Health.

Installation of any new sewer line extension, if approved by the Sewer Commission, shall be the financial responsibility of the developer and will be installed in accordance with the specifications provided by the Sewer Extension Commission. Said extension shall be so laid out to serve any residence it passes.

PARKING

There shall be a minimum of two parking spaces per dwelling unit.

A.minimum of 25% of the dwelling units shall have garages.

The parking space within these garages shall count towards the two parking spaces per dwelling unit requirement.

ADDITIONAL REQUIREMENTS

Each dwelling unit shall have no more than two bedrooms and all exterior and interior doorways shall be appropriately wide for wheelchair access, following the applicable codes and guidelines.

Buildings shall not cover more than 30% of the site.

At least 40% of the site shall be maintained as green space as required by the Zoning By-law.

There shall be a minimum distance of 40 feet between two residential buildings or groups of buildings on the same site

No open parking or driveway shall be closer than 15 feet to a wall containing windows or habitable rooms.

Swimming pools or any other structure, other than a dwelling, garages, community building, and all accessory structures that are part of an elderly housing development shall comply with the green strip, setback, and parking requirements of the Zoning Bylaw.

Garages and a community building for meetings and social activities of the residents shall be permitted, but shall not exceed 2,000 square feet of gross floor area and shall comply with all green strip and setback requirements of the Zoning By-law.

YARDS,

On each site there shall be provided a minimum setback of 35 feet from the front property line.

The side and rear setbacks shall be 50 feet or 25 feet, which shall be retained in its natural, wooded state or landscaped along the perimeter of the side and may include easements (paved or otherwise) dedicated for public recreational purposes.

A landscape buffer strip shall be provided so as to protect adjoining properties from the effects of noise, lights, air, or visual impact.

DEED RESTRICTIONS

Deed restrictions shall be placed on the entire site and shall be referenced in all leases as applicable, requiring that all residents, with the exception of spouses and/or caregivers, shall have reached the age of 55. These restrictions shall be reviewed by Town Counsel for acceptance. The cost of such review shall be the responsibility of the applicant.

FIRE LANES

All buildings shall be surrounded by fire lanes.

The fire lane shall remain an open space and no vehicle may be parked in the lane and no building, structure, fence, stair, covered or uncovered porch, cornice, eaves, or other building projection may be located in or erected in the fire land without permission from the Chief of the Billerica Fire Department, except that buildings may be interconnected by corridors or walkways, if provision is made for access by fire apparatus to all outside walls.

The requirement for a fire lane surrounding a building shall not be construed to mean that paved access surrounding the building is required. The area may be planted with low plantings of a size that would not impede a fire vehicle.

The fire lane space shall be vacant between a building and a line parallel to and 15 feet equidistant from a building.

ACCESS ROADS

All access roads shall be built in accordance with design specifications of the Town's Department of Public Works.

Required Findings:

The use complies with the site plan approval requirements of the Zoning By-law.

The requested use is desirable to the public convenience or welfare.

The requested use provides for the convenience and safety of vehicular and pedestrian movement within the site, especially affecting the elderly, and in relation to adjacent streets, property, and improvements.

The requested use will not overload any public water drainage, or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the public health, convenience, or welfare.

The requested use will not, by its addition to a neighborhood cause an excess of that particular use that could be detrimental to the character of said neighborhood in which it is proposed to be constructed.

The design and architectural treatment of the use is not incongruous or inappropriate to the character of the neighborhood in which it is proposed to be constructed.

There is an adequate landscape buffer strip provided to protect adjoining properties from the effects of noise, lights, air, or visual impact.

No building or access facilities shall be placed on any portion of the land determined by the Board of Health to be unsuitable for such construction.

AFFORDABLE HOUSING COMPONENT

Ten percent of the units created under these provisions shall be affordable as defined by Section 2. of this by-law under the entry "Affordable Housing Unit". The Billerica Housing Authority is exempt from this requirement because the units under their control are categorically affordable.

Blackstone *Does zoning include any provisions for housing that is restricted by age?*

No What follows are the only two mentions in the town's by-laws of "elderly" housing.

Section 123-13.2 Major Residential Development
[Added 5-28-96 ATM, Art. 22]...

B. Procedures. ...

(2) Applicants for Major Residential Development shall file with the Planning Board four copies of the following, to have been prepared by an interdisciplinary team including a Registered Land Surveyor, a Professional Engineer, and a registered Architect or Landscape Architect.

(a) The basic and alternative development plans described above, indicating in a general manner the configuration of access, lots, building siting, reserved open space, landscaping, drainage and utilities, consistent with the drawing requirements for a Preliminary Subdivision Plan under the Subdivision Regulations of the Blackstone Planning Board.

(b) Narrative and tabular materials describing the proposal including the number and size of dwelling units; proposed project phasing; and any provisions being made to target special occupancies, such as for the elderly or for affordable housing. ...

Section 123-23. Multifamily dwellings.

[Added by 9-24-84 STM, Art.1; amended by 11-19-84 STM, Art. 1; 4-28-86 ATM, Art. 10; 4-28-86 ATM, Art. 40]

A. Submittals. Applicants for a special permit for multifamily dwellings shall simultaneously file for site plan review, as provided at Section 123-2C. In addition to the information required there, the following shall also be submitted:

(1) Ground floor plan, sections, and elevations of all proposed buildings.

(2) Materials indicating the proposed number of dwelling units, distinguishing units by number of bedrooms and any special occupancies (elderly or handicapped); form of tenure; any subsidies anticipated; rent or sales prices including any commitments for price ceilings; methods of water supply and sewage disposal; time schedule for construction of units and improvements; service improvements proposed at the developer's and those anticipated at the Town's expense; and means, if any, of providing for design control.

Bolton *Does zoning include any provisions for housing that is restricted by age?*

No 2.6 Congregate Living Housing - Housing units and associated facilities for the elderly, 55 and older, who do not require constant supervision. A Congregate

Living Housing unit consists of a room or group of rooms for one or more persons with provisions for living and sleeping for the exclusive use of the individual or household unit. The Congregate Living Housing unit may provide exclusive cooking and sanitary facilities. Associated or shared facilities may include common dining facilities, housekeeping services and common space for indoor and outdoor social, educational and recreational activities.

Town of Bolton Bylaws, May 2004

Boxboroug *Does zoning include any provisions for housing that is restricted by age?*

Yes

Boxborough Zoning Bylaw (Adopted 1965, Amended 2004)

The table of uses lists "Two-family dwelling, reserved exclusively for elderly occupancy" by special permit in AR and by right in TC.

2330. Supplementary Intensity Regulations.

2331. For multi-family dwelling in TC district reserved exclusively for elderly occupancy, density not to exceed 10 units/80,000 sq. ft. land area.

5390A. Special Permits for Two-family Dwelling Reserved Exclusively for Elderly Occupancy.

The Planning Board shall be the Special Permit Granting Authority for two-family dwellings reserved exclusively for elderly occupancy. In making its determination Boxborough Zoning Bylaw May 2004 ATM Update 59 with respect to a special permit for a two-family dwelling reserved for elderly occupancy, the Special Permit Granting Authority shall find that the proposal meets the following criteria:

- Occupancy is deed restricted to persons 55 years of age or older or to a person 55 years of age or older and their spouse and/or live in aid.
- There are no more than two units per building.
- The maximum number of buildings allowed shall be limited to the number of houses that could be created in a subdivision on the site in full conformance with all zoning, subdivision and other applicable state and local regulations, and without the proposal of extraordinary engineering measures. Where the maximum number is in doubt or dispute, the determination of the Planning Board shall be conclusive for all purposes.
- The proposed site contains a minimum of 10 acres.
- The minimum upland area is 5 acres.
- The maximum density is 2 units/60,000 square feet.
- Traffic generation is similar or less than what would be generated if the land were developed into single-family dwellings.
- The architectural style of the units is similar in character and appearance to other dwellings in the neighborhood.
- Adequate landscaped buffers are provided around the development.

2331. For multi-family dwelling in TC district reserved exclusively for elderly occupancy, density not to exceed 10 units/80,000 sq. ft. land area.

Boxford

Does zoning include any provisions for housing that is restricted by age?

Yes

Boxford Town Code, Chapter 196, Zoning, Article V, Section 196-20. Elderly Housing District.
[Added 5-9-1984 ATM, Art 24]

A. In an Elderly Housing District, no building or land shall be used and no building shall be erected or converted except:

(1) To provide housing for the elderly, such housing to be owned and operated by a private nonprofit organization. A "private nonprofit organization" shall mean a corporation, foundation or other organization no part of the net earnings of which inures to the benefit of any private shareholder or individual and which has been organized pursuant to MGL c. 180, as amended.

(2) For any of the uses permitted in the R-A Residence-Agricultural District with the development regulations applicable to the R-A Residence-Agricultural District outlined in Article VI governing.

B. Accessory uses permitted in the Elderly Housing District shall include:

- (1) Garages.
- (2) One separate building, not exceeding one story in height, to house snow removal and mowing machines, garden and other tools and equipment required to maintain and service housing for the elderly.
- (3) One building which may be used as a common building by the residents of the District, which building may include central kitchen and dining facilities providing meals to residents thereof and their guests and may also provide lounge and meeting rooms for the common use of the residents and their guests." But, there is no multifamily use allowed in that district nor in the RA District.

The lot size requirements are as follows (from the Boxford Town Code, Chapter 196, Zoning, Article VI, 194-24):

(4) The minimum area of a lot within the Elderly Housing District shall be 24 acres.

(5) The maximum number of dwellings on any given lot within the Elderly Housing District shall be 104. [Amended 5-9-1990 ATM, Art. 25]

From definitions on ordinance.com:

HOUSING FOR THE ELDERLY - Multifamily dwellings which contain no less than four nor more than 10 independent units consisting of a room or suite of rooms, its own bath and toilet facilities and its own kitchen facility. In one building, a unit may be included for occupancy by the manager of the project and his/her immediate family, one room of which may be used as an office, and except for the unit to be occupied and used as aforesaid by the manager, no unit in any building shall be occupied unless at least one of the tenants is a person who is 60 years of age or over.

Boylston *Does zoning include any provisions for housing that is restricted by age?*

No

Braintree *Does zoning include any provisions for housing that is restricted by age?*

No

On 7/6/04, Peter Loppola, Director of Planning and Conservation, confirmed that there are no provisions for age restrictions in the zoning. He noted that they are considering creating this kind of policy. He said that several of the nursing homes in Braintree went bankrupt, and since they are in residential zones there are limited reuse possibilities. The town is considering allowing redevelopment of the nursing homes into multifamily housing restricted by age. He said there is a need for a broader range of elderly housing options than exists today.

Bridgewater *Does zoning include any provisions for housing that is restricted by age?*

Yes

Bridgewater Zoning Bylaws, Revised 2000

According to Table of Use Regulations (Section 6.30), Open Space Community Development and Adult Retirement Villages are allowed by special permit in Residential Districts A/B, C, and D.

2.25 OPEN SPACE - For purposes of this bylaw and except as noted herein, open space shall be defined as that portion of any lot which is not occupied or otherwise located beneath buildings, structures or areas used for parking, loading, access, storage or solid waste disposal activities. Fences, walls, signs, and drainage facilities permissible under subdivision regulations may be allowed within and may comprise a portion of the open space provided said land remains largely landscaped with natural or planted vegetation. Wetlands, as defined by Section 40 of C. 131 MGL, may also comprise a portion of the open space, but not exceeding in percentage the proportion of wetlands within the entire lot. (Adopted 5/6/91)

2.98 ADULT RETIREMENT VILLAGE (ARV) - A group of detached dwelling units on privately owned lots occupied by persons aged 55 and over in accordance with MGL Chapter 151 B, Section 6 as amended. (Adopted 5/1/2000)

9.20 OPEN SPACE COMMUNITY DEVELOPMENT (Adopted 11/1.3/89)

9.21 General Description An "Open Space Community" shall mean a residential development in which the dwellings are clustered together into one or more groups on a site and separated from each other and adjacent properties by permanently protected open space. Such developments shall only be allowed in residential districts subject in a special permit being granted by the planning board.

An Open Space Community shall include an Adult Retirement Village (ARV - See Section 2). Adult Retirement Villages constructed pursuant to special provisions of this section shall comply with all the provisions of the Open Space Community except as specified otherwise. (Amended 5/1/2000)

9.251 General Requirements: The land space requirements of Section 8 of this zoning bylaw shall apply to all dwellings and lots within an open space

community unless otherwise stated herein.

a. The minimum area of land required for open space community shall be fifteen acres in Residential A/B districts and ten acres in Residential C and Residential D districts. Such minimum land areas shall be exclusive of any wetlands as defined by Section 40 of Chapter 131, M.G.L. and shall comprise a contiguous portion of a site.

i. Minimum (contiguous upland) land space will be 9250 sq. ft. per dwelling unit. ii. Dwelling units will be limited to 1200 square feet in living space, and 350 sq. ft. garage. Enclosed porch unheated optional (Max. 140 sq. ft.) iii. Basement ceiling heights shall be limited to a maximum height of six feet (6' 3") three inches. iv. The number of units to be contained in an Adult Retirement Village shall range from a minimum of 30 to a maximum of 60.

9.70 MOBILE HOME ELDERLY COMMUNITY (MHEC)

9.71 Purpose

The purpose of this section is to provide for the construction, erection, placement and placement of mobile homes within a mobile home elderly community as a major residential development in a designated suitable area. This section recognizes the complexity of such development and establishes detailed design criteria in Sections 9.72, 9.73, 9.74 and 9.75 for their construction and use.

The Planning Board shall be the Special Permit Granting Authority (SPGA) for a special permit form a MHEC. The special permit shall be approved if an application conforms to the standards established herein and to the rules and regulations of the Special Permit Granting Authority established under Section 9 of Chapter 40A MGL.

To allow a residential use without special review to the extent the district permits single family housing according to the present Residential A/B density and dimensional requirements as of right. (Amended 11/13/2000)

9.72 Definitions

For the purposes of this section and wherever the same may appear elsewhere in this bylaw, the following words and terms as used herein shall have the meanings or limitations of meanings herein defined, explained or assigned.

9.721 MOBILE HOME ELDERLY COMMUNITY (MHEC) : A self-contained retirement community occupied by residents of at least fifty-five (55) years of age or older established pursuant to Section 9.70 of the Zoning by-Laws located within a Mobile Home Elderly Community District. (Amended 11/13/2000)

Such retirement community shall have been planned and improved for the placement of mobile homes for non-transient use and shall be designed to accommodate three or more mobile homes as hereinafter defined.

9.722 MOBILE HOME : Is a structure constructed in a factory, in accordance with the National Mobile Home Construction and Safety Standards Act of 1975 administered by the U.S. Department of Housing and Urban Development (HUD), intended for use as housing and transported as complete unit to the designated site. (Amended 11/13/2000)

9.723 MOBILE HOME LOT OR SIGN : A parcel of land for the placement of a single mobile home for the exclusive use of its occupants.

9.724 TRAILER : The following for the purposes of these regulations shall be considered a trailer and not permitted in or within a mobile home elderly community.

9.7241 TRAVEL TRAILER : A vehicular, portable structure built on a chassis, designed a temporary dwelling for travel, recreation, or vacation, having a body width not exceeding eight feet, and a body length not to exceed thirty-two feet.

9.7242 PICK-UP COACH : A structure to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, or vacation.

9.7243 MOTOR HOME : A portable, temporary dwelling to be used for travel recreation, or vacation, constructed as an integral part of self-propelled vehicle.

9.7244 CAMPING TRAILER : A folding structure, mounted on wheels and designed for travel, recreation, and vacation use.

9.725 MOBILE HOME STAND : A mobile home stand shall be considered as that part of the mobile home site which is reserved for the mobile home.

9.726 COMMUNITY BUILDING : A building solely for the use of the residents of the park and their guests containing TV room, cud room, sewing room, library, pool tables, kitchen, laundry, emergency, toilet, lavatory, and bathing facilities for men and women, etc. Community buildings and other community facilities shall be designed in accord with the most recent Massachusetts standards for accessibility for the handicapped.

9.727 PERSON : The word "person" shall include individuals, corporation, owners, lessees, licensee, and agents for each of them.

9.728 PERMITTEE : "Permittees" shall be deemed to be any person, firm, or corporation receiving a permit to conduct, operate, or maintain a mobile home elderly community.

9.729 RESIDENT OR OCCUPANT : The term "Resident" or "Occupant" shall mean a person who has achieved a minimum age of at least fifty-five years.

9.73 Prohibited Uses:

The following for the purposes of this by-Law shall be considered a trailer and not permitted as long-term habitable space in or within a Mobile Home Elderly Community:

Travel Trailer: A Vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreation, or vacation, having a body width not exceeding 8 feet, and a body length not to exceed 32 feet.

Pick-up Coach: A structure to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, or vacation.

Motor Home: A portable, temporary dwelling to be used for travel, recreation, or vacation, constructed as an integral part of a self-propelled vehicle.

Camping Trailer: A folding structure, mounted on wheels and designed for travel, recreation, and vacation use. (Amended 11/13/2000)

9.74 General Provisions

The minimum land area for a MHEC shall be no less than fifty (50 +/-) acres of land located in a Mobile Home Elderly Community District. Said parcel shall consist at a minimum of 75% upland exclusive of any wetlands as a defined pursuant to MGL Chapter 131 and the Bridgewater Wetland By-Law Article XXXIII as most recently amended. (Amended 11/13/2000)

9.75 Design Standards

Access to individual lots shall be via an approved driveway system designed in accordance with the MHEC Rules and Regulations, as promulgated by the Special Permit Granting Authority. No units are permitted along the first 200' SF of the MHEC entry driveway. The MHEC driveway system shall remain under the ownership of the MHEC owner(s) or association and can not be petitioned to town Meeting for future acceptance.

The MHEC driveway system may have initial access from a boulevard style entrance way off an approved way. Signage designating the name of the MHEC with a visual graphic street directory shall be provided.

The MHEC in its entirety is subject to a ninety (90') setback from any public way directly abutting a property line of the MHEC. The 90' setback shall be a buffer that for purposes of this By-Law shall be defined as:

"Buffer Adjacent to Public Ways" shall mean an area left in its natural condition or landscaped except that access roads, traffic control equipment, signs, drainage facilities, utility lines and other infrastructure improvements shall be allowed in such an area.

In addition, the MHEC shall also have a thirty (30') setback from any abutting properties.

The Special permit Granting Authority may at its discretion require additional buffering by means of vegetative berms, fencing etc. should they determine special conditions warrant the need for such screening. Existing vegetation that is left standing shall not have underbrush removed or grubbed to provide a visual contact with the community however, if necessary, the existing vegetation could be supplemented to improve screening of the MHEC community. The applicant shall be required to provide a vegetative buffering and maintenance plan as part of the approved special permit plans to the Special Permit Granting Authority.

For the purposes of this section, the term "lot" is defined for use and density/dimensional requirements for placement of unites in a Mobile home elderly community only and not defined in the traditional sense as a created and recorded lot pursuant to MGL Chapter 41 Subdivision Control Law. Only one Mobile Home is permitted on a lot.

Each lot shall have a minimum area size of 7,000 SF with a minimum of sixty (60) feet of frontage on an interior driveway. There shall be a minimum clearance of forty (40) feet both side and rear between each Mobile Home with a front set back from the MHEC driveway pavement of twenty (20) feet. Each lot shall be provided a minimum area of hard surface for parking of two vehicles adjacent to the dwelling unit.

The Board of Health shall approve all on-site sewage systems pursuant to the requirements of Title V and all well proposals for both potable and irrigation uses. If the proposed MHEC is located in an Aquifer Protection District or within a Zone II, the applicant is responsible for designing in accordance with Section 15 or the zoning By-Law and contacting the Bridgewater Water Department for determination of compliance with their requirements. The Water and Sewer Commission shall approve all connections to the municipal water and sewer systems.

Notwithstanding anything to the contrary contained herein, the Special Permit Granting Authority may alter the dimensional control provision of this section and/or allow increases in the permissible density provided that any such alteration shall be conditioned so as to require the applicant to provide open space in an amount equal to twenty (20) percent of the total acreage of the entire project land parcel area which is the subject of any permit in connection therewith, the Special Permit Granting authority may, in its discretion, waive provision of the MHEC design standards provided that such

open space is so dedicated. (Amended 11/13/2000)

9.76 Approval of Special Permit

The SPGA in reviewing the proposal, may at its discretion, rely upon outside consulting services on issues beyond their expertise or those of Town Department input with all expenses borne by the applicant. (Amended 11/13/2000)

9.77 Submission of a Special Permit Site Plan Review Application:

Applicants may submit an application to the Special Permit Granting Authority that shall be in accordance with the application procedures available through the Planning Department and/or the Town Clerk's Office. In addition to the application form, the applicant must include the following:

An abutter's list within 300' of the property, certified by the Assessors' Department pursuant to the most recent tax list;

An application fee

Twelve (12) copies of a site plan with the following information:

1. The name of the proposed development, north point, date, scale and legend, zoning (including overlays),
2. The name of the record owner, applicant, architect, Registered Professional Surveyor and Engineer,
3. The names of all direct abutters (as determined by the most recent tax list) including abutters across a street of a mutual perimeter line,
4. The existing perimeter boundaries of the MHEC parcel, all wetlands, a general tree line and computations as to available uplands on the parcel. If a phased development is proposed the entire area must be shown,
5. The existing layout lines of all adjoining streets or ways surrounding the MHEC, all existing and proposed easements,
6. The proposed entrance layout connecting to the driveway system within the community, the lots shown adjacent to interior driveway circulation with building areas depicting compliance with setbacks and/or buffers,
7. An architectural rendering of the proposed style of a typical dwelling unit, including approximate dimensions and elevations,
8. An architectural rendering and location of the proposed community building and adjacent parking, proposed locations of sales and management office,
9. A Screening/Buffering Plan per Sub-section 9.75, including a legend of proposed species and descriptions. A written maintenance plan shall also be submitted addressing long term care and replacement of vegetation,
10. Proposed dedication open space areas and other common areas,
11. Proposed lighting in vicinity of the intersection driveway system and location of common postal boxes,
12. Proposed and existing connections are routing of utilities servicing the site including water, sewer, gas, electric and telephone including any proposed locations of a package treatment facility or shared septic systems. Also any locations of existing or proposed wells on the site,
13. Proposed Rules and Regulations for the operation and maintenance of the community.

A preliminary traffic report describing the anticipated traffic generation, average daily traffic existing and proposed to adjoining streets and any proposed mitigation to address potential impacts.

A Drainage Analysis developed by a Massachusetts Registered Engineer including, but not limited to, all drainage computations, drainage watershed plan and available results from preliminary test pits. (Amended 11/13/2000)

9.78 Special Permit Site Plan Review Application Process:

Pursuant to the requirements of Chapter 40A, Section 9, the SPGA shall duly post notice of a public hearing to be held within sixty-five days of receipt of an application and the applicant is responsible for submitting a certified abutter's list. At the initial public hearing, the applicant shall submit to the Special Permit Granting Authority proof of notification of the abutters.

The Special Permit Granting Authority, shall be responsible for the distribution of eleven of the twelve submitted site plans and supporting materials to the following Town Departments for their review and written comment prior to the initial public hearing:

Building Department Community Development Department Conservation Commission Fire Department Health Department Highway Department Planning Board Police Department Sewer Department Transportation Management Department Water Department

These departments shall review the special permit plan(s) and report their findings and/or recommendations to the Special Permit Granting Authority for inclusion in proceedings of the public hearing. The Special Permit Granting Authority may, if deemed necessary, request a representative to be present at a particular hearing to explain their department's report. The Special Permit Granting Authority may if necessary, upon mutual written consent of the applicant, continue the public hearing to a date, time and location certain for purposes of submission of additional information and/or input from town departments. (amended 11/13/2000)

Brockton

Does zoning include any provisions for housing that is restricted by age?

Yes

Brockton allows by special permit a senior residential community in any of its residential districts. This community is composed of single-family senior units.

The Land Use Ordinance of Brockton (City)
PLYMOUTH COUNTY, MASSACHUSETTS
APPENDIX C ZONING
Brockton Zoning Ordinance

ARTICLE IV PERMITTED USES

Sec.27-25. R-1 Zones, single-family residential zones

The following regulations shall apply in all R-1 Zones:

1. Principal permitted uses.
 - a. Single-family detached dwellings, provided they have a minimum of six hundred (600) square feet of gross floor area.
 - b. Public, private and business schools, parochial schools, libraries and public museums.
 - c. Churches and similar places of worship, parish houses, convents and cemeteries.
 - d. Public parks and playgrounds.
 - e. Family day care homes, provided there is a maximum of six (6) children.
2. Permitted accessory uses. Any accessory use in an R-1 Zone shall not occupy more than thirty (30) percent of one floor of the principal building or more than an equivalent floor area in an accessory building.
 - a. Private garage.
 - b. Other customary accessory uses and buildings, provided such uses are incidental to the principal use and do not include any activity commonly conducted as business. Any accessory building or use shall be located on the same lot as the principal building.
3. Permitted special uses. The following special uses are permitted under the provisions of Article V, pursuant to Article VII.
 - a. Municipal buildings.
 - b. Public utility installations.
 - c. Philanthropic and eleemosynary uses or institutions, other than correctional institutions.
 - d. Private and nonsectarian licensed day nursery, nursery school and kindergarten.
 - e. Reserved.
 - f. Kennels.
 - g. Pay telephones.
 - h. Family day care home, as defined in M.G.L. chapter 28A, section 9.
 - i. Mobile home elderly community as defined in and subject to the provisions of subsection 27-38(k). (Code 1965, § 27-25; Ord. No. D77, 8-28-78; Ord. No. D242, 11-13-87; Ord. No. D261, 1-5-89; Ord. No. D375, 9-28-95; Ord. No. D433, § 2, 1-5-99; Ord. No. E018, 11-29-01)

Sec. 27-26. R-2 Zones.

1. Principal permitted uses.
 - a. Any use permitted in the R-1 Zones.
 - b. Two- and three-family dwellings.
2. Permitted accessory uses. Any accessory use permitted in the R-1 Zones.
3. Permitted special uses.
 - a. Any special use permitted in the R-1 Zones, under the provisions of Article V, pursuant to Article VII.
 - b. Hospitals and nursing homes not including contagious diseases or psychiatric treatment.
 - c. Family day care home, as defined in M.G.L. chapter 28A, section 9.
 - d. Large family day care home, as defined in M.G.L. chapter 28A, section 9. (Code 1965, § 27-26; Ord. No. D127, 8-24-81; Ord. No. D254, 7-29-88; Ord. No. D433, § 2, 1-5-99)

Sec.27-27. R-3 Zones, multi-family residential zones .

1. Principal permitted uses.
 - a. Any use permitted in the R-2 Zones.
 - b. Multi-family.
2. Permitted accessory uses. Any accessory use permitted in the R-2 Zone.
3. Permitted special uses. The following special uses are permitted, under the provisions of Article V, pursuant to Article VII.
 - a. Tourist homes, but not hotels, motels or tourist cabins.

- b. Reserved.
- c. Hospitals and nursing homes.
- d. Any special use permitted in the R-2 Zones under the provisions of Article V, pursuant to Article VII.
- e. Multi-family dwellings at a density of up to one unit per one thousand two hundred (1,200) square feet of lot area with a minimum lot size of one acre.
- f. Pay telephones.
- g. Family day care home, as defined in M.G.L. chapter 28A, section 9.
- h. Large family day care home, as defined in M.G.L. chapter 28A, section 9. (Code 1965, § 27-27; Ord. No. D254, 7-29-88; Ord. No. D375, 9-28-95; Ord. No. D433, § 2, 1-5-99)

Sec. 27-32. C-5 Zones, office zones.

- 1. Principal permitted uses.
 - a. Professional offices of physicians, dentists, optometrists, lawyers, accountants, engineers, architects, insurance, real estate and investment agents; banks, lending institutions, and other uses similar in function to those listed.
 - b. Hospitals, medical and dental laboratories and professional pharmacies.
 - c. Nursing homes subject to licensing under General Laws Ch. 111, Section 71-A.
- 2. Permitted accessory uses. Any accessory use permitted in the C-1 Zone.
- 3. Permitted special uses.
 - a. Hotel/conference center.
 - b. Pay telephones.
 - c. Tattoo parlors. (Ord. No. D227, 12-19-86; Ord. No. D254, 7-29-88; Ord. No. D375, 9-28-95; Ord. No. E017, 4-26-01)

ARTICLE V. SPECIAL USES

Sec. 27-38. Standards enumerated.

Standards for special uses are as follows:

k. Senior residential community.

- 1. Purpose: The purpose of this subsection is to promote alternative housing for a maturing population; to provide a type of housing which reduces residents' hardships of property maintenance and which reduces demands on municipal services; and to promote flexibility in land use planning, in order to improve site layouts, safety, protection of nature attributes and environmental values and utilization of land in harmony with neighboring properties.
- 2. Occupancy qualifications: Any application for SRC shall indicate, and ensuing use shall sustain, compliance with Massachusetts General Laws, Chapter 151B, 4, 6. Provided housing shall be individually owned and occupied by at least one (1) person who is fifty-five (55) years of age, or older; and no more than one (1) additional occupant who shall be under fifty-five (55) years of age. In addition, and only in proven cases of family emergency, as determined by majority vote of any homeowner's association management board, no more than two (2) additional persons, above the number which is specifically herein authorized, who are under fifty-five (55) and directly related, shall be allowed to be an occupant of any dwelling unit for more than six (6) months duration. Extension of such minimum time duration may be granted by majority vote of such board. Occupancy requirements shall be exclusive of nurses or other persons to provide health care services to any occupant of said dwelling unit. In the event of the death of the qualifying owner/occupant of a dwelling unit, or foreclosure or other involuntary transfer of a dwelling unit in an SRC, a two-year grace period shall be allowed for a nonqualifying owner/occupant to transfer the unit to another eligible qualifying owner/occupant.
- 3. Definitions: The proposed dwelling/structures meant to be provided in this subsection commonly are not constructed within the separate lot framework associated with the definitions of the terms "lot," "lot area," "lot coverage," "lot frontage" and "yard" (front, rear and side) as listed in section 27-9 of this appendix. Such terminology, as used in this subsection, is meant only to associate with the definitions as if the included dwelling/structures were to be provided on separate lots.
- 4. General requirements: The following general requirements shall apply to senior residential communities:
 - (a) A senior residential community district, consisting of single-family residences, supplemented by appropriate amenities as described herein, shall be superimposed as an overlay district in zoning districts residential as set forth in section 27-9. Use shall be authorized by special permit issued by the zoning board of appeals, hereunder, if application is in compliance with the following provisions:
 - (1) The subdivision rules and regulations adopted by the planning board, at time of preliminary plan submittal, shall be in force except as herein otherwise provided; and
 - (2) The site is reasonably protected from traffic;
 - (3) The proposed use shall be served by municipal water and sewer services unless the planning board, with advice from the department of public works deems that alternative services shall meet the long -term-needs-of-such-proposed use and the City of Brockton; and
 - (4) The special permit applicant for a SRC shall be the owner of any parcel(s) proposed for such development or an applicant showing proof in writing by the owner of such parcel(s) to be authorized to apply for and be issued such special permit;
 - (5) The proposed site must contain at least five (5) contiguous acres of land.
- 5. Site requirements: For the purposes of this subsection the following site requirements shall be met:
 - (a) Parcel area/frontage requirements: Minimum parcel area and minimum parcel frontage requirements shall coincide with general intent of the SRC but in no event shall any lot size derogate from the minimum established in subsection 6. of this subsection.
 - (1) The land under construction shall be located on one (1) or more contiguous parcels, whether or not separated by a public or private way, with definite boundaries ascertainable from an allowed recorded deed or recorded plan.
 - (b) (Lot sizes:) Larger lot sizes may be allowed, as determined by the planning board, considering soil conditions, water table and slope conditions.
 - (c) Open space: All remaining land in the development not contained in single/attached dwelling lots, or within rights-of-way and municipal easements, shall be held in common use of the residents of the development and, in some circumstances of the city, as open space, as determined by the planning board, and shall meet the following requirements:
 - (1) All such open space parcels, together, shall equal not less than thirty (30) percent of the total parcel area and shall serve passive recreational purposes;
 - (2) Wetlands, as determined by the conservation commission, shall qualify as open space, if such wetlands are situated in the development perimeter

buffering area, or situated as passive recreation areas;

(3) The open space areas shall maximize the value of wildlife habitat, shall be contiguous, have not less than twenty (20) feet of handicapped accessible frontage on each right-of-way and internal drive, of the development and shall be configured to preserve large blocks of undisturbed land;

(4) Landscaped plantings shall not be permitted, except in areas where revegetation may be necessary to increase buffering/ screening, as determined by the planning board; and

(5) Desirable qualities of open space reservations are continuity of open space within the development and into existing or potential adjoining developments, protection of watercourses, wetlands and other ecologically sensitive areas, configuration reflecting land forms and existing vegetative patterns and handicapped accessibility from at least fifty (50) percent of the abutting dwelling lots.

6. Building and dwelling unit requirements:

(a) Number of dwelling units permitted: Written computation shall be provided to the planning board, at the time of application submittal, based on a maximum average of five (5) dwelling units per acre of such land dedicated to dwelling unit building lots; with the maximum number of bedrooms in each dwelling unit limited to two (2); the method of distribution of allowable dwelling units per acre shall determine the total number of allowable dwelling units.

(b) [Dwelling style; parking; lot sizes:] Dwellings may be provided as detached single units, or attached in-groups of two (2), with such attachments located side-by-side. Each dwelling unit shall include one (1) exterior parking space.

(1) Single dwelling unit lot sizes shall be eight thousand (8,000) square feet, minimum.

(2) Attached dwelling unit lot sizes shall be fifteen thousand (15,000) square feet, minimum.

(c) Maximum building height (including accessory buildings): One (1) story, except two-story structures may be permitted as an incentive for providing smaller building footprints for dwellings. In no case shall such living quarters be provided for a handicapped person without provisions for adequate handicapped accessibility, as determined by the superintendent of buildings.

(d) One (1) bedroom limitation: No more than twenty (20) percent of the maximum number of allowable dwelling units shall have less than two (2) bedrooms.

(e) [Building position:] The positions of buildings shall be staggered a minimum of ten (10) feet along each right-of-way, preferably in a nonregular pattern, while maintaining setback requirements. Such positioning shall be depicted on definitive plans.

(f) Allowable accessory buildings, structures and preferred amenities:

(1) Individual dwelling lots:

i. Attached garages and other customary accessory structures except storage-type sheds shall be allowed, as determined by the superintendent of buildings after definitive plan approval, if keeping within dwelling lot coverage and floor area ratio limitations.

ii. Such accessory arrangements shall be depicted on the definitive plan if contemplated prior to definitive plan approval.

(2) Open space:

i. Clubhouse(s), swimming pool(s), tennis court(s), cabana(s), storage and maintenance structures and other accessory structures shall be allowed, as determined by the inspector of buildings after definitive plan approval, if in keeping within the development parcel coverage and floor plan area ratio limitations.

ii. Such accessory arrangements shall be depicted on the definitive plan if contemplated prior to definitive plan approval.

(3) Preferred amenities: The creation of outdoor areas which may include, but are not limited to, sitting areas with tables, gazebo(s), trellises, paved and level walking paths, planters and individual/community garden space(s).

(g) Building design criteria: All buildings and structures shall be designed, located and constructed to afford the following:

(1) Compatibility of architectural styles, scales, building materials and colors within the development;

(2) Variations in facade, roof lines and interior layouts of dwelling units;

(3) Harmonious relationship of buildings and structures to each other with adequate light; air, circulation, privacy and separation;

(4) The capability for constant surveillance, orientation and recognition; to this end, and in lieu of providing conventional street lighting, individual building lot front yards and other areas along roadways not fronting building lots and approaches to common-use buildings and structures, shall be provided with architecturally compatible street-level-type lamp post lighting necessary to provide safety, security and visual indications, as determined by the planning board.

7. Additional physical requirements:

(a) Setbacks:

(1) Single/attached dwelling units. Front yards shall be twenty (20) feet minimum, rear yards shall be thirty (30) feet minimum and side yard separation of abutting dwelling shall be twenty (20) feet minimum. A five-foot side yard setback shall be allowable only on one (1) side of any dwelling unit, provided that a twenty-foot separation with abutting dwellings is maintained.

(b) Development parcel lot coverage (density): Thirty-five (35) percent maximum.

(c) Dwelling lot coverage (density): Thirty-five (35) percent maximum.

(d) Distance between common use building /structures: Thirty (30) feet.

(e) Additional parking provisions: In addition to individual dwelling unit parking requirements addressed, supra, with the development, separated and screened from the majority of dwelling units, there shall be provided an additional paved and lined parking area, equivalent to twenty (20) percent of that which is provided for dwelling units, for the longer-term parking and storage of recreation-type vehicles, not used on a daily basis; such area may additionally serve to accommodate overflow guest parking and may be located within any qualifying open space along the perimeter of the development.

(f) The right-of-way network shall be so designed and constructed as not to allow vehicular traffic throughout the development from neighboring parcels or streets. Road signs shall be posted to indicate "NOT A THRU STREET", or other appropriate wording, to temper unnecessary intrusion of off-site traffic.

(g) Paved sidewalks shall be located and constructed to the bounds of the development from interior roadways to provide pedestrian access to neighboring streets and abutting parcels, if practical, as determined by the planning board.

(h) Along the perimeter of the development parcel, for a depth of thirty (30) feet minimum, landscape greenery or other buffering/screening method(s), in place at the time of development, which can serve to obstruct the view of adjacent land use properties from one another, shall remain undisturbed; except for underbrush clearing and general maintenance. If such existing buffering/screening is deemed insufficient it shall be supplemented as determined by the planning board.

(i) Rights-of-way, driveways and sidewalks within the development shall meet such width, grades, radius of curvature and construction standards as

required by the planning board subdivision rules and regulations, except for the purposes of this development, the right-of-ways shall be classified as lanes, with the added requirement of paved sidewalk on one (1) side.

8. Special requirements: All improvements to the development parcel, including rights-of-way and dwelling unit/common area utility services, except as agreed to by the City of Brockton when considering access for municipal emergency response vehicles, shall be considered private. During construction and after completion of the development, the developer, as well as owners of dwelling units and/or building lots, shall be responsible for the maintenance of dwelling unit/common area, driveways and walkways, parking area(s) and all snow plowing, landscape maintenance, trash removal and maintenance and repair of other common elements and facilities serving the residents. The City of Brockton shall not be responsible, therefor, unless so agreed. Implementation of the above shall be documented in the following manner:

Open space and such other facilities as may be held in common, shall be conveyed to a corporation or trust comprising a homeowner's association whose membership includes the owners of all lots or dwelling units contained in the development. The developer shall include in the deed to owners of individual lots beneficial rights in said open space and shall grant a conservation restriction to the City of Brockton over such land pursuant to Massachusetts General Laws, chapter 184, sections 31-33, to ensure that such land is kept in an open or natural state, except as authorized, supra. This restriction shall be enforceable by the city through its conservation commission in any proceeding authorized by Massachusetts General Laws, chapter 184, section 33. In addition, the developer shall be responsible for the maintenance of all improvements to the land until such time as the homeowner's association is capable of assuming such responsibility, and/or the city has accepted responsibility for rights-of-ways and any assigned easement. In order to assure that the association will properly maintain the land deeded to it under this section, the developer shall cause to be recorded at the Plymouth County Registry of Deeds, or other cognizant authority, a declaration of covenants and restrictions that shall, at a minimum, provide the following:

- a. Mandatory membership in an established homeowner's association as a requirement for ownership of any lot in the development; and
- b. Provisions for maintenance assessments of all lots in order to ensure that the developed and open space land is maintained in a condition suitable for uses approved by the homeowner's association. Failure to pay such assessment shall create a lien on the property assessed, enforceable by either the homeowner's association or other owner of any lot, and
- c. Provisions which, so far as possible under the existing law, will ensure that the restrictions placed on the use of the developed and open space will not terminate by operation of law or, that in the case of termination, that mandatory renewal of all restrictions shall occur automatically.

9. Approvals and conditions: The planning board, or the zoning board of appeals, as special permit granting authority, may impose additional conditions not inconsistent with this or other sections of the Code, and all state and federal applicable laws.

10. Procedure:

(a) Before submission to the board of appeals, a preliminary site plan shall be submitted to the planning board which shall within thirty (30) days submit its preliminary non-binding approval or disapproval and its preliminary recommendations to the board of appeals and the conservation commission.

(b) An application for a special permit to develop a senior residential community shall be submitted and received in a manner pursuant to the procedures set forth in Massachusetts General Laws, chapter 40A, and all the amendments thereto, as well as adherence to the city's zoning bylaws, the planning board rules and regulations governing the subdivision of the land and in this zoning amendment and further that special permits shall only be issued following public hearings held within sixty-five (65) days after filing of an application. The special permit under this subsection shall [be issued] pursuant to subsection 27-37(d).

(c) A site plan and written plan in quintuplicate shall be prepared for the whole tract of land and shall be submitted to the clerk of the zoning board of appeals who shall distribute copies to the planning board and the conservation commission, who shall consider the same at their next meeting.

(d) These agencies shall review the site plan and application and shall report their findings and recommendations for approval or disapproval, together with reasons therefor and any additional requirements, to the board of appeals within forty-five (45) days of receipt of the application and plan.

(e) The site plan submitted to the board of appeals, shall include:

- (1) The name of the proposed development, north point, date, scale or legend;
- (2) The name of the record owner, applicant, architect, engineer and surveyor;
- (3) The names of all abutters as determined from the most recent tax list;
- (4) Existing and proposed topography of the land at two-foot contour intervals;
- (5) The existing and proposed lines of streets, ways and easements;
- (6) Proposed dedicated open space areas or other common areas;
- (7) Proposed lighting;
- (8) The proposed drainage systems including existing and man-made waterways and retention or detention areas on the property and on adjacent property, together with a map showing the project locus and adjacent land uses, circulation facilities, topography and drainage;
- (9) The names, location and width of adjacent streets;
- (10) The boundaries of any proposed lot or building sites;
- (11) Location of fire alarm boxes and hydrants;
- (12) Computations used in designing storm drain system;
- (13) All existing and proposed building, structure, parking spaces, driveways, openings, private ways, service areas and open spaces;
- (14) Landscape features, including lawns, recreation areas, fences, walls and walks;
- (15) A drawing of proposed elevations with regard to exterior architecture of the proposed buildings; and
- (16) All other information required for definitive plans under the City of Brockton Planning Board Rules and Regulations and any other information required by the zoning board of appeals.

(f) In addition to the foregoing, the applicant shall submit with the site plan a written description by a duly qualified engineer of existing hydrogeologic conditions and how the proposed storm drainage system will impact existing hydrogeologic conditions.

(g) Between the date of filing of the application and site plan and the date of the board of appeals public hearing, the planning board shall study the plan and application, seeking assistance where necessary and desirable from any city department and/or board or commission it shall deem necessary. Following such study, the planning board shall report its recommendations in writing to the board of appeals prior to the public hearing. These recommendations shall become a part of the official record of the public hearing. The board of appeals shall carefully consider the recommendations of the planning board although such recommendations and other planning board rules and regulations shall not be binding as to the final decision and may be waived by the board of appeals.

(h) The site plan shall not be altered between the date of filing and the date of decision. In the event that said plan is modified without written approval

of the planning board and conservation commission it must again be submitted to the clerk of the zoning board of appeals and to all appropriate boards and commissions and the entire procedure as set forth above hereof shall be recommenced. (Code 1965, § 27-38; Ord. No. D135, 8-27-81; Ord. No. D242, 11-13-87; Ord. No. E018, 11-29-01)

Brookline *Does zoning include any provisions for housing that is restricted by age?*

No According to Polly Selkoe, Planning Director, there are no zoning provisions for age-restricted housing.

Burlington *Does zoning include any provisions for housing that is restricted by age?*

Yes The Zoning Bylaws of the Town of Burlington, Section 4.2.0 (Adopted 1977, Amended 2003)

According to the "Principal Use Regulations Schedule," in the "Continuing Care District" the only use allowed by right is "Dormitories primarily used for nonprofit educational corporations, for religious purposes, or for public purposes", and the only uses allowed by special permit are "Assisted Living, Congregate Living, Continuing Care Retirement Community."

Section 5.1.6 "Additional Regulations for Housing for the Elderly in an RO - One Family Residence District" :

- 5.1.6.1 No building shall contain less than four nor more than eight units.
- 5.1.6.2 Minimum lot size shall be 60,000 square feet.
- 5.1.6.3 No building shall exceed two (2) stories in height.

Researcher did not find it clear in the "Residential Uses" chart that there were provisions for elder housing in the RO district, despite this reference further in the regulations.

Definitions:

2.4.1 Assisted Living Facility

A facility as defined by MGL Chapter 19D, providing room and board, which provides assistance with activities of daily living and personal care services for three or more non-related adults, and collects payments or third party payments to pay for the provision of assistance with activities of daily living. Assisted living facilities are for frail elders who do not require 24-hour skilled nursing care. Assistance with dressing, bathing, eating, housekeeping, medicine monitoring, and other activities of daily living may be provided, along with an array of services, from meals to social and wellness activities. All assisted living residences are required to be certified by the Executive Office of Elder Affairs.

2.16.1 Congregate Living Facility

A non-institutional, shared living environment which integrates shelter and service needs of functionally impaired and/or socially isolated senior persons who are otherwise in good health and can maintain a semi-independent life style and who do not require constant supervision or intensive health care as provided by an institution. Each resident shall have an individual bedroom and may have a separate living room, kitchen, dining area, or bathroom, and may share living, dining, and bathroom facilities with other senior persons, such as in a common dining facility.

2.16.2 Continuing Care Retirement Facility

A facility that includes combinations of independent living, congregate living, assisted living, and long term care facility (nursing home) within a single facility or on the same tract, offering lifetime housing and a variety of health care, social, and recreational services. (also known as Life Care Community)

2.22.1 Elderly Housing

Any residential premises available for lease by elderly or disabled individuals which is financed or subsidized in whole or in part by state or federal housing programs established primarily to furnish housing rather than housing and personal services, as set forth in a listing established by the Secretary of Elder Affairs, and which was never licensed under Chapter 111 of the Mass General Laws.

2.38.1 Independent Living Facility

A facility that provides residential accommodations for senior adults. These residences may include common areas, a common dining facility, and space for the provision of social, psychological, and educational programs. Home health care or other community based services may be used on an individual basis. Meals, linen and housekeeping services may be offered. There may be some maintenance staff, but there is no medical or supervisory staff.

2.40.1 Long-term Care Facility

An institution, or distinct part of an institution, which is licensed or approved by the Massachusetts Department of Public Health to provide 24-hour health care under medical supervision to individuals who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves. For the purposes of this bylaw, it includes: extended care facility, intermediate care facility, nursing home, convalescent home, and rest home.

In response to this question, Kristen Hoffman said, "In zoning in particular, no." She explained that there are independent living facilities, continuing care facilities, and such buildings throughout the zoning districts, including the non-residential districts. Researcher asked if they were specifically age restricted, and she said that she thinks they may not be technically restricted by age, but they are in practice.

Cambridge *Does zoning include any provisions for housing that is restricted by age?*

Yes ELDERLY ORIENTED HOUSING . A residential building where a minimum of eighty (80) percent of the dwelling units are restricted to families of not more than two persons with (i) at least one member sixty-two (62) years of age or older, or (ii) at least one member who has a chronic physical impairment which substantially reduces his or her ability to live independently and is of such a nature that the quality of his or her life would be improved by more suitable housing, and where the certificate of occupancy issued by the Superintendent of Buildings is so restricted. The certificate shall be renewed every two years and shall be issued initially and renewed only upon submission of evidence that priority in occupancy be given to residents of Cambridge.

From Section 5.51 of the City of Cambridge's Zoning Ordinance:

"5.51 Lot Size Requirements for Elderly Oriented Housing. The required number of square feet of lot area per dwelling unit in elderly oriented housing or for each living space in elderly oriented congregate housing is decreased to one half (1/2) the number of square feet of lot area per dwelling unit customarily required in Section 5.30 of this Ordinance."

Canton *Does zoning include any provisions for housing that is restricted by age?*

Yes Zoning Bylaw Town of Canton, Section 5.8 (Adopted 1998, Amended 2003)

5.8 Village Housing Overlay District 111

5.81 Purpose. The purpose of the Village Housing Overlay District (VHOD) is to:

A. Provide dwellings for occupancy by individuals fifty-five (55) years of age or older;

111 5.8 Inserted ATM 2002, Article 55

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B. Provide for mixed and diverse varieties of housing, including affordable housing; and

C. Provide for residential development in a manner that conserves environmental features, woodlands, wet areas, open space, areas of scenic beauty, views and vistas.

5.82 Location and Occupancy of a VHOD.

A. The location of a VHOD shall include all land designated by Town Meeting as being within the VHOD, pursuant to G.L. c. 40A, s. 5.

B. The occupancy of a VHOD shall be by residents 55 years of age or older, pursuant to G.L. c. 151B

5.83 Applicability. The VHOD is an overlay zoning district. The benefits of the

Village Housing Overlay District Development (VHODD) shall accrue only to those parcels located entirely within the boundaries of the VHOD.

- If the landowner selects to file a development plan in conformance with the requirements of the VHOD, the development shall conform to the objectives, standards and criteria specified by the VHOD overlay zoning by-law.
- If the landowner selects to file a development plan in conformance with the requirements of the underlying zoning district, the development shall conform to the objectives, standards and criteria specified by the underlying zoning by-law.

5.84 Definitions.

Applicant: The person or persons, including a corporation or other legal entity, who applies for issuance of a special permit for construction of a VHOHDD within a VHOD, hereunder. The Applicant must own, or be the beneficial owner of, all the land included in the proposed site, or have authority from the owner(s) to act for him or hold an option or contract duly executed by the owner(s) and the Applicant giving the latter the right to acquire the land to be included in the site.

Buffer Area: An area within a VHODD which is adjacent to its boundaries, streams, ponds, lakes, and reservoirs which may not be developed except as provided herein.

Design Review: The review of the overall site design by qualified team of site design professionals. A Massachusetts Registered Landscape Architect shall lead the Site Design Review Team.

Development Schedule: A schedule showing the order and timing of construction and the sequence of the improvements to be built or furnished on the VHODD site, separated into stages where applicable.

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Subdivision Regulations: The rules and regulations of the Planning Board relative to subdivisions, special permits and site plans.

Townhouse Style Dwelling: A multi-family structure designed to have each dwelling unit placed side by side.

Apartment Style Dwelling: A multi-family structure designed to have dwelling units placed one above the other (stacked).

Village Housing Overlay District Development (VHODD): A multi-family development consisting of townhouse style and/or apartment style dwellings and permissible accessory uses authorized by special permit from the Planning Board as set forth herein.

Village Housing Overlay District (VHOD): all land designated by Town Meeting as being within the district, pursuant to G.L. c. 40A, s. 5.

Wetlands: All land subject to the provisions of Massachusetts General Law c. 131, ss. 40 and 40A and/or the Town's Wetlands By-Law.

5.85 Use Restrictions or Requirements. A VHODD, consisting of the multi-family uses set forth below, individually or in combination, may be authorized by a special permit issued by the Planning Board pursuant to this Section and in compliance with the standards set forth herein.

A. Townhouse Style Structures consisting of dwelling units occupied by persons 55 years of age or older and which are designed to have each dwelling unit placed side by side. Townhouse Style Structure shall contain no less than two (2) units.

B. Apartment Style Structures which contain dwelling units occupied by persons 55 years of age or older and which are designed to have dwelling units placed one above another (stacked). Apartment Style Structures shall contain no more than eight (8) dwelling units, and;

C. Structures and uses accessory to the multi-family use set forth above including: Community building serving the residents of the VHODD; underground utilities located on a lot not serving the dwelling; recreational facilities; and roadways.

5.86 Application. An application for a special permit for construction of a VHODD shall be submitted to the Planning Board on forms furnished by the Planning Board, accompanied by (a) the filing fee, (b) the following information and data, and (c) a development plan as described below.

A. All of the information required for site plan approval, if applicable;

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B. The name and address of the Applicant(s) and all legal and beneficial owners of the site. Copies of all instruments, options, contracts or encumbrances affecting ownership of the development site. An instrument executed by all persons owning property within the site consenting to the development of the subject property, as applied for.

C. A proposed development schedule showing the beginning of construction, the rate of construction and development, including stages, if applicable, and the estimated date of completion.

D. A narrative Design Review report prepared by qualified professionals, detailing the impact of the development on the Town's capacity to furnish services including, but not limited to, roads, water and sanitation.

E. Information regarding the number and kind of dwelling units and other structures (including signs) proposed, their location, the number of bedrooms planned, the sale prices anticipated and population projections pertaining thereto.

F. Areas to be set aside for building structures, parking areas and conservation and recreation easements.

G. Information pertaining to any condominium organization (if any).

H. Copies of all proposed deed restrictions to ensure occupancy by persons 55 years of age or older, the resale of the dwelling units at affordable prices and the right of first refusal in favor of the Town for dwelling units to be sold at affordable prices, if applicable.

I. Any and all other information that the Planning Board may reasonably require in a form acceptable to it to assist in determining whether the Applicant's proposed development plan meets the objectives of this Section.

5.87 Standards. In order to be eligible for consideration for a special permit, the proposed VHODD shall meet all of the following standards:

A. Qualifying Land Area. Qualifying Land Areas shall be in one ownership with definitive boundaries, shall be located entirely within a VHODD and shall contain at least 10 contiguous acres of land. No more than fifteen (15) percent of a Qualifying Land Area shall be Wetlands.

B. VHODD Density. Not more than one dwelling unit shall be constructed for each 5,000 square feet of Qualifying Land Area or portion thereof in a VHODD.

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C. Open Space Requirement. At least thirty (30%) percent of the VHODD site shall be open space. The open space shall have a shape suitable to assure its use for landscaping and/or open space purposes.

D. Buffer Area. The Planning Board may require Buffer Areas at specific locations along the perimeter of the VHODD. Vegetation in this buffer area shall be enhanced as necessary to provide a visual barrier. Buffer areas shall be included in calculating the Open Space requirement of this by-law.

E. Minimum Lot Frontages and Access.

VHODD sites shall have a minimum frontage of one hundred and twenty (120) feet and at least one means of ingress/egress provided by a primary public roadway. Each means of ingress/egress shall have a continuous frontage of sixty feet on a primary roadway.

The Planning Board has the discretion to require more than one means of ingress/egress to the extent that the proposed primary public road exceeds 1000 feet in length, in accordance with the Canton Subdivision Rules and Regulations.

The primary public roadway(s) serving the site shall be subject to the Rules and Regulations of the Canton Planning Board governing the Subdivision of Land, the Canton Department of Public Works regulations regarding water, sewer and storm drainage systems, and any other applicable regulation and/or standards of the Town.

The secondary private roadway(s) serving the site shall be sized to adequately serve the intended vehicular and pedestrian traffic. The secondary private roadway(s) shall strive to conform to the Rules and Regulations of the Canton Planning Board governing the Subdivision of Land, the Canton Department of Public Works regulations regarding water, sewer and storm drainage systems, and any other applicable regulation and/or standards of the Town.

The secondary private roadways shall be maintained by an association of unit owners or by the applicant. Paths for the use of residents shall be attractively designed with proper regard for convenience, separation of vehicular, bicycle and pedestrian traffic, and access to the amenities and facilities on the site and to paths on adjacent sites.

F. Parking. There shall be a minimum of two (2) parking spaces per dwelling unit.

At least fifty (50) percent of all Townhouse residential parking spaces required shall not be surface parking. At least fifty (50) percent of all - 134 -

Apartment residential parking spaces required shall not be surface parking. All non-surface parking shall be designed to be an integral part of the residential structure it serves.

All required parking shall be exclusively reserved for motor vehicles of residents or employees of the development.

G. Stormwater Management. The stormwater management system shall be designed in accordance with the Subdivision Regulations and the DEP's Stormwater Management Guidelines and Regulations, as amended.

H. Utilities. All electric, gas, telephone, water distribution lines, and other utilities shall be placed underground.

I. Dwellings. The development of one or more townhouse-style and/or multi-family style structure on a lot or lots shall be permitted in an application to construct a VHODD. Such dwellings may be situated on any common or individual lot consistent with the overall design objectives of the VHOD, provided however, that such dwellings shall be connected to the public sewer or shall comply with the provisions of the State Sanitary Code, 310 CMR 15.00, any other applicable State regulations, and with the rules of the Board of Health.

J. Affordable Units. At least fifteen percent (15%) of the dwelling units shall be deed restricted for purchase by persons earning not more than eighty percent of the area median family income as defined by the Commonwealth's Department of Housing and Community Development. Such affordable dwelling units shall be integrated into the overall development so as to prevent the physical segregation of such units and otherwise shall be indistinguishable from market rate units except in size and interior finishings and appliances.

K. Preference. As a condition of approval, the Planning Board shall require that Canton residents be given first preference in the purchase of dwelling units within the VHODD. Such preference shall be for thirty (30) percent of the dwelling units in the VHODD and shall be for at least one year from the issuance of the first certificate of occupancy for any residential building within the VHODD.

L. Building Height. No building or structure shall be constructed to exceed thirty-five (35') feet or three stories, whichever is lower.

M. Setbacks. No building shall be constructed so as to be nearer to the line of any street than the "required setback distance" or nearer to the side line of its lot than the "required side yard width" or nearer to the rear line of its lot than the "required rear yard depth" specified below:

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- Required setback distance 30'
- Required side yard width 30'
- Required rear yard depth 30'

5.88 Fees. The filing fee for a special permit pursuant to this Section shall be \$1,000.

The Planning Board shall also charge the applicant a technical review fee, pursuant to G.

L. c. 44, s. 53G. Such technical review fee shall be used to engage professional, technical and/or legal consultants to review an application for a special permit within the VHOD.

The initial deposit of such fee shall be \$10,000.00

5.89 Decision. The Planning Board is designated as the Special Permit Granting Authority for the VHOD. The Planning Board may grant a special permit for a VHODD where it makes the following findings:

A. The proposed development complies with the requirements of this section;

B. The Planning Board finds that the proposed development does not cause substantial detriment to the neighborhood after considering the following potential consequences:

- (1) noise, during the construction and operational phases;
- (2) pedestrian and vehicular traffic;
- (3) environmental harm;
- (4) visual impact caused by the character and scale of the proposed structure(s).

Yes

According to the Town of Carlisle Zoning Bylaws, Section 5.1.1: "The purpose of Residence District M is to provide for the demonstrated needs of the Town for housing the elderly by making provision for appropriately located, specially designed and appropriately priced housing for occupancy by elderly persons who otherwise would not have such housing opportunities within the Town."

The name of the Residence M District, according to the Town of Carlisle Zoning Bylaw, Section 2.1, is Multi-Dwelling Housing for the Elderly.

Town of Carlisle Zoning Bylaw, Section 1.3 defines multi-dwelling as follows:

MULTI-DWELLING : is a building containing two or more dwelling units, each of which is complete with living facilities for one family. A multi-dwelling may be a series of attached or semi-detached townhouses or row houses or a garden apartment building (dwelling units sharing a common entry hall or stairway).

From ordinance.com:

5. SUPPLEMENTARY REGULATIONS

5.1 Residence District M - Multi-Dwelling Housing for the Elderly

5.1.1 Purpose

The purpose of Residence District M is to provide for the demonstrated needs of the Town for housing the elderly by making provision for appropriately located, specially designed and appropriately priced housing for occupancy by elderly persons who otherwise would not have such housing opportunities within the Town.

5.1.2 Designation of District

[...]

5.1.3 Uses Permissible on Special Permit in Residence District M

The use of land within Residence District M for multi-dwelling housing for the elderly is not permitted as of right but may be authorized by special permit as provided in Section # 5.1.4

5.1.4 Special Permit Procedure

5.1.4.1 Special Permit Granting Authority

The Planning Board is designated as the special permit granting authority for Residence District M.

5.1.4.2 Preliminary Plan

A Preliminary Development Plan shall be prepared for consideration by the Planning Board at least sixty (60) days before filing the application as set forth below. The plan shall show in a general manner, but to scale, the boundaries and topography of the tract; access and vehicular and pedestrian circulation; type and mass of buildings; wetland and watercourses; proposed grading, drainage and open space. In addition, the Planning Board may require such further data as proposed dwelling unit density, total floor area, dwelling size and parking areas to be shown on the plan.

5.1.4.3 Application, Review and Recommendations

A person desiring such a permit shall file a written application with the Planning Board, furnishing a copy to the Town Clerk.

The application, and each copy shall be accompanied by a Final Development Plan which shall be prepared in the manner required for a Definitive Plan under the Planning Board's Rules and Regulations governing the subdivision of land and shall include:

5.1.4.3.1 A survey showing metes and bounds, and existing site features including wetlands and watercourses.

5.1.4.3.2 Site development plan with proposed grading, drainage, buildings, open space, location of drives, parking, walkways and buffer areas and any other items generally required for definitive plans.

5.1.4.3.3 Architectural plans, showing building locations, typical floor plans, elevations and landscaping.

5.1.4.3.4 Summary of building statistics indicating number of units, floor area, dwelling units per building and per acre, percentage of site coverage:

provided that no Final Development Plan shall contemplate more than five (5) dwelling units per acre or more than two (2) bedrooms in any one dwelling unit.

5.1.4.3.5 Developer information. giving a legal description of the development entity with documented financial information sufficient to establish the ability of the project to meet the purposes of the Residence District M classification and the developer's capability to complete all aspects of the project.

Copies of the application shall also be submitted to and reviewed by the Board of Selectmen and the Board of Health and, contingent upon their respective jurisdictions over the site, to the Conservation Commission and/or the Historical Commission. Such reviews may be held jointly. The foregoing agencies shall make such recommendations as they deem appropriate and shall send copies thereof to the Planning Board and to the applicant; provided that failure of any such agency to make recommendations within thirty-five (35) days of receipt by such agency of the application shall be deemed lack of opposition thereto.

5.1.4.4 Notice and Hearing

The Planning Board shall give notice, in the manner provided by Chapter 40A of the General Laws, as amended, of a public hearing to be held within sixty-five (65) days after the filing of the application and shall act within ninety (90) days following the public hearing. Failure by the Planning Board to take action within said ninety (90) days shall be deemed to be a grant of the permit applied for; otherwise, the issuance of special permits shall require a two-thirds vote of the Planning Board, failing which the permit shall be denied.

5.1.4.5 Necessary Findings

No special permit shall be granted hereunder unless the Planning Board shall make the applicable findings required by Section # 7.2.1 and shall further find that the multi-dwelling housing proposed by the applicant is consistent with the purpose of Residence District M set forth in Section # 5.1.1 and with the Preliminary Development Plan referred to in Section # 5.1.4.2 and, in particular that

5.1.4.5.1 The final Development Plan complies in all respects with the provisions of the general bylaws, including Articles IV and XI thereof, these zoning bylaws and the Regulations of the Board of Health.

5.1.4.5.2 The building and site layout are specially designed for the needs of the elderly and handicapped; access to the Town Center should be a major consideration.

5.1.4.5.3 The architectural design is in harmony with the scale, character and nature of the Town.

5.1.4.5.4 All improvements are place so as to preserve, as far as practicable, the unique natural features of the site, including watercourses, rock outcroppings, stone walls, major trees and wooded areas; and

5.1.4.5.5 The tract of land contains at least four (4) acres.

5.1.4.6 Conditions

The Planning Board may attach to special permits such conditions as, in its judgement, are designed to further the purposes set forth in Section # 5.1.1, and shall attach a condition limiting the occupancy of the housing to families at least one member of which is 62 years of age or older.

5.7 Senior Residential Open. Space Community

Tracts of land in Residence District B may be considered eligible for this special permit.

5.7.1 Purpose

The Senior Residential Open Space Community is intended: to encourage residential development which meets the physical, emotional and social needs of senior citizens, and to encourage the preservation of rurality, open areas and natural settings, and to encourage energy efficient and cost effective residential development.

Definition

For the purposes of this section, dwelling unit is defined as a portion of a building, which portion is designed as the residence of one family.

5.7.3 Special Permit Granting Authority

The Planning Board shall be the Special Permit Granting Authority for the purposes of this section. It will develop rules and regulations governing the process whereby the special permit for a Senior Residential Open Space Community may be granted.

5.7.4 Conditions for Grant of Special Permit

In order to grant a permit for a Senior Residential Open Space Community, the Planning Board must find:

5.7.4.1 That the number of dwelling units will be no greater than 1.5 times the number of lots which the Planning Board, incorporating wetland considerations, determines would be allowed on the parcel were it to be developed as a subdivision according to the Rules and Regulations for the Subdivision of Land in Carlisle; but that the number of dwelling units will not exceed one half the number of acres in the tract.

5.7.4.2 That the total number of dwelling units permitted under this bylaw has not exceeded 3% of the total number of constructed dwelling units in the Town.

5.7.4.3 That the total tract area is at least 10 acres.

5.7.4.4 That the width of any lot shall be at least 40 feet between the point of physical access on a way which is acceptable for frontage under Chapter 41 and any building containing a dwelling unit.

5.7.4.5 That the entire Senior Residential Open Space Community tract is separated from adjacent property by intervening Open Space.

5.7.4.6 That the Open Space shall constitute at least 1.2 acres for every dwelling unit.

5.7.4.7 That the Open Space meets at least one of the following criteria:

5.7.4.7.1 It preserves some component of Carlisle's farm community, such as agricultural fields. 5.7.4.7.2 It preserves areas of open meadow, woodland, water bodies or ecotone. 5.7.4.7.3 It creates or preserves vistas or buffer areas. 5.7.4.7.4 It preserves valuable habitat for identifiable species of fauna and flora. 5.7.4.7.5 It preserves an artifact of historic value.

5.7.4.8 That the Open Space is of such shape, size and location as are appropriate for its intended use. In making this finding, the Planning Board may find it appropriate that the Open Space be used, in part, to create a visual buffer between the Senior Residential Open Space Community and abutting uses, and for small structures associated with allowed uses of the Open Space.

5.7.4.9 That the Open Space does not include any residential structures, or any appurtenant structures such as carports, septic systems, roads, driveways or parking, other than those which the Planning Board may allow under #5.7.4.8 above.

5.7.4.10 That the Open Space shall be conveyed to the Town of Carlisle for park or open space use, or conveyed to a non-profit organization the principal purpose of which is the conservation of open space, or conveyed to a corporation or trust composed of the owners of units within the Senior Residential Open Space Community. In the case where such land is not conveyed to the Town, the Board must find that beneficial rights in said Open Space shall be deeded to the owners, and a permanent restriction enforceable by the Town pursuant to M.G.L. Ch. 184, Section 32, providing that such land shall be kept in open or natural state, shall be recorded at the Middlesex North District Registry of Deeds.

5.7.4.11 That access from a way, of suitable width and location, has been provided to the Open Space.

5.7.4.12 That the Senior Residential Open Space Community will be composed of attached dwelling units which nevertheless reflect, in size and architecture, the character of Carlisle's single family residences. The buildings shall not have the appearance of apartments.

5.7.4.13 That each building in the Senior Residential Open Space Community has no more than four dwelling units, averaging no more than two bedrooms each, that no unit has more than three bedrooms, and that no building measures more than 6000 square feet. This calculation includes the area within the building that may be devoted to garage spaces.

5.7.4.14 That all residential buildings will have safe access from ways.

5.7.4.15 That provision has been made for at least two parking spaces per unit inclusive of any garage spaces.

5.7.4.16 That all residential buildings are located at least 100 feet from the boundary of the land subject to this special permit, and at least 50 feet from the Open Space, and at least 30 feet from other residential buildings.

5.7.4.17 That a Homeowners' Association will be formed which will have the legal responsibility for the management and maintenance of the development. This responsibility includes but is not limited to exterior maintenance of buildings, plowing, driveway, parking lot and road maintenance, landscape maintenance, and maintenance of common utilities, including septic systems and wells. In addition, the Homeowners' Association must accept responsibility for the maintenance of the Open Space if the Open Space is to be conveyed to a corporation or trust either of which is composed of unit owners.

5.7.4.18 The following age restrictions shall apply:

5.7.4.18.1 That each dwelling unit shall have in residence at least one person who has reached the age of 55 within the meaning of M.G.L.c.151B section 4, paragraph 6, and 42 USC section 3607(b)(2)(C).

5.7.4.18.2 That no resident of a dwelling unit shall be under the age of 18.

5.7.4.18.3 That in the event that there is no longer a qualifying resident of a unit, a two-year exemption shall be allowed for the transfer of the unit to another eligible household pursuant to Section 5.7.4.18.1

5.7.4.18.4 All condominium deeds, trusts or other documents shall incorporate the age restrictions contained in this Section 5.7.4.18.

.5.7.5 Submission Requirements

An applicant which desires a Special Permit under this section shall submit an application to the Town Clerk and to the Planning Board, accompanied by the following plans and documents:

5.7.5.1 A plan of the whole tract giving such information as the Planning Board requires in order to determine how many lots would be allowed were the tract to be divided under the Rules and Regulations Governing the Subdivision of Land in Carlisle.

5.7.5.2 A Land Use Plan for the entire Senior Residential Open Space Community, drawn in accordance with the rules and regulations of the Planning Board, which includes, but is not limited to, the following information: 1) the location, size, ownership, and uses of the proposed Open Space, designating the natural resources to be preserved; 2) the location and form of the access to the Open Space; 3) the lots to be developed; 4) a table including the number of residential buildings and dwelling units proposed, the maximum number of bedrooms, and the square footage of each dwelling unit and building; 5) the layout and placement of all roads, driveways, access ways, parking spaces, residential buildings, accessory buildings, septic tanks, leaching fields, wells, and any other proposed construction, including landscaping and lighting; 6) typical architectural plans and renderings, including plan, elevation and perspective views of a typical Senior Residential Open Space Community building; and 7) draft documents for the conveyance of the Open Space if it is to be given to the Town, or permanent restriction if it is not to be conveyed to the Town, a Homeowners' Maintenance agreement, an Open Space Maintenance Agreement, and a document detailing the ownership and maintenance of common areas.

5.7.6 Additional Conditions

5.7.6.1 Lots subject to a special permit under Section #5.7 shall be exempt from Sections 44. 1, #4.2, and #4.3 of these zoning bylaws.

5.7.6.2 As a condition of approval, the Board may require such changes in the proposed development plans and may impose such conditions and safeguards as it deems necessary to secure the objectives of this bylaw, and to protect the health, safety and welfare of the inhabitants of the neighborhood and of the Town of Carlisle.

5.7.6.3 No tract for which a special permit under this Section #5.7 has been granted shall be further subdivided unless and until the special permit lapses.

5.7.6.4 Change in Plans after grant of Special Permit

No change in any aspect of the approved plans shall be permitted. A new special permit will be required for any change.

5.7.6.5 Notwithstanding the requirements of Section #7.2, a special permit granted under this section shall lapse if, within two years from the grant thereof, a substantial use of the permit has not commenced. The Planning Board may extend the special permit for a period of no more than two years if it finds good cause.

Carver

Does zoning include any provisions for housing that is restricted by age?

No

Town of Carver Zoning Bylaw, Revised 2003

Assisted Elderly Housing shall mean a residential facility occupied by persons over the age of 55, their spouses or surviving spouses, including rooms occupied by resident staff personnel. Such a facility may include a full range of nursing care from total to partial assistance, and may provide food preparation services, limited residential food preparation areas, and common recreational, laundry, social, medical, religious, and service facilities for the exclusive use of the residents.

Convalescent or nursing home, or assisted elderly housing
RA HC GB V IA IB AP
SP SP SP N SP N N

The research study is not counting "assisted living" in this question.

Survey received from Carver on 5/3/05 (completed by Jack Hunter) marks the answer to the question as "Yes >55." Researcher left the answer as "no" because it appears that this age restricted housing is assisted living.

Chelmsford

Does zoning include any provisions for housing that is restricted by age?

Yes

"Facilitated and Independent Senior Living Facilities" are allowed by special permit in RM, CA, CB, CC, CD, CV, and IA districts.

The Land Use Ordinance of Chelmsford
MIDDLESEX COUNTY, MASSACHUSETTS
Chapter 195 ZONING

[HISTORY: Adopted by the Annual Town Meeting of the Town of Chelmsford 10-22-1998 by Arts. 22 to 26. Amendments noted where applicable.]

ARTICLE XVII Facilitated and Independent Senior Living Facilities

[Amended 10/16/00]

Section 195-87. Purpose.

Facilitated and independent senior living facilities are allowed in a variety of zoning districts by special permit from the Planning Board. The intent of the by-law is to provide the opportunity for the development of the types of multifamily and communal housing most beneficial for the senior and elder population of Chelmsford. The provision of senior affordable housing is an important goal of the bylaw.

A. Facilitated living facilities provide private or communal lodging for persons requiring limited medical attention or supervision and who ordinarily are ambulatory. These include, but are not limited to, assisted living facilities, Alzheimer's facilities and congregate living facilities.

B. Independent senior living facilities are intended to provide a safe, suitable age-restricted dwelling unit for a senior couple or individual who are able to live independently. Open space preservation is an important facet of independent senior living projects and is meant to provide the residents of the project with opportunities for active and passive recreation.

Section 195-88. Dimensional standards.

[Amended 10-21-1999 ATM by Art 28]

The following dimensional standards shall apply to facilitated and independent senior living facilities:

[insert dimensional table here]

DIMENSIONAL STANDARDS

NOTES:

1. A smaller lot size may be allowed by special permit from the Planning Board where such smaller lot is determined to promote the objectives of this Article XVII.
2. Up to 10 units per acre may be allowed by special permit from the Planning Board where increase is determined to promote the objectives of this Article XVII and shall meet the criteria of Section 195-91.1.
3. Exclusive of open space requirement. Tract size minus open space requirement minus wetlands/floodplain not included in open space requirement times units per acre equals maximum number of units per tract. Total may be increased to six units per acre by special permit from the Planning Board upon a finding that the density increase will not be detrimental to the intent of the bylaw and shall meet the criteria of Section 195-91.1.
4. May be partially or completely reduced by special permit from the Planning Board upon a finding that the reduction of the open space requirement will not be detrimental to the intent of the bylaw and shall meet the criteria of Section 195-91.1.

Section 195-89. General standards.

A. The entire site shall be a size and shape as shall provide a housing site that will be in harmony with the natural terrain and other features of the site and will preserve natural vistas and the character of the neighborhood.

B. No site on a plan for which an approval is granted under this section may be subdivided so as to create additional lots. A notation to that effect shall be shown on the site plan.

C. Sites abutting residentially zoned land shall provide a landscaped buffer strip 50 feet in width or a strip as set forth in Section 195-43, whichever is larger, to provide adequate screening for adjacent properties. No structure, driveway, parking area or sidewalk shall be located in the landscaped buffer strip. A smaller buffer may be allowed by special permit from the Planning Board where such smaller buffer is determined to promote the objectives of this Article XVII.

D. Driveways and parking areas within the development shall be constructed in accordance with Article V, Off-Street Parking and Loading. Sidewalks conforming to the Planning Board Subdivision Rules and Regulations shall be required by the Planning Board. Additional requirements linking pedestrian circulation systems may be required by the Planning Board.

E. Buildings shall be designed to be complementary in exterior design with each other and with the existing neighborhood in which the facility is located. Dwellings constructed under this section shall not be eligible for subsequent conversion to conventional apartments with the exception of projects in the

RM District.

F. The method(s) of implementing age restrictions of seniors and elders shall be to the satisfaction of the Planning Board.

G. The Planning Board may set additional site security and safety requirements as deemed necessary to ensure the security and safety of the residents of the facility.

H. Adaptability requirements for facilitated and independent senior living projects. All units shall be constructed to be handicap adaptable according to the standards of Section 504 of the Americans with Disabilities Act of 1990, 42 U.S.C. Section 12204 and ANSI A117.1.

I. Developments approved as rental projects shall not be converted to condominiums.

Section 195-90. Open space requirements.

The minimum required open space set forth in Section 195-88 shall be contiguous open space, excluding required yards and buffer areas. Such open space may be separated by the road(s) constructed within the site. The percentage of the open space which is wetlands, as defined pursuant to MGL c.131, Section 40, shall not normally exceed the percentage of the tract which is wetlands; provided, however, that the applicant may include a greater percentage of wetlands in the open space upon a demonstration that such inclusion promotes the purposes set forth in this Article XVII.

A. The required open space shall be used for conservation, historic preservation and education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry, or for a combination of these uses, and shall be served by suitable access for such purposes.

B. The required open space shall remain unbuilt upon, provided that 10% of such open space may be paved or built upon for structures accessory to the dedicated use or uses of such open space, pedestrian walks and bike paths.

C. Underground utilities to serve the site may be located within the required open space.

D. The required open space shall, at the Planning Board's election, be conveyed to:

(1) The Town of Chelmsford or its Conservation Commission.

(2) A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above.

(3) A corporation or trust owned jointly or in common by the owners of lots within the site. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of the open space and facilities shall be permanently guaranteed by such corporation or trust which shall provide for mandatory assessments for maintenance expenses to each lot.

(a) Each such trust or corporation shall be deemed to have assented to allow the Town of Chelmsford to perform maintenance of the open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement for this purpose. In such event, the town shall first provide 14 days' written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the town may perform it. The owner of each lot shall be deemed to have assented to the town filing a lien against each lot in the development for the full cost of such maintenance, which liens shall be released upon payment to the town of same.

(b) Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval and shall thereafter be recorded in the Registry of Deeds.

E. Any proposed open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction enforceable by the Town, provided that such land shall be perpetually kept in an open state, that it shall be preserved for exclusively agricultural, horticultural, educational or recreational purposes and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

Section 195-91. Independent living standards.

A. All dwelling units and common areas shall be constructed to be handicap adaptable in accordance with Section 504 of the Americans with Disabilities Act of 1990, 42 U.S.C. Section 12204, ANSI A117.1 and the requirements of the Massachusetts Architectural Barriers Board.

B. Units shall contain no more than two bedrooms.

C. Units shall have a maximum habitable living area of 1,600 square feet.

Section 195-91.1. Affordability standards for facilitated and independent senior living projects .

The Planning Board shall only grant a density bonus for a project that provides rental units. The Planning Board may grant a density bonus upon a finding that such increase is determined to promote the objectives of Article XVII and according to one of the criteria listed below. Where there is more than one size or style of unit in a project the affordable units shall comprise the same percentage as market rate units.

A. One-half of all additional units created through density bonuses shall be maintained as affordable units according to Department of Housing & Urban Development Section 8 Voucher Program or such other program agreeable to the Planning Board, Chelmsford Housing Authority and the applicant. The term "affordable" shall be as defined by the Massachusetts Department of Housing and Community Development for Chelmsford.

B. A contribution pursuant to MGL c.44, Section 53A for the creation of units of senior and elder affordable housing.

C. Such other method agreed to by the Planning Board and the applicant.

TOWN OF CHELMSFORD, MASSACHUSETTS MASTER PLAN

p. 4-10

"SUMMARY OF HOUSING NEEDS There is clearly a need for additional senior housing in Chelmsford. Senior housing generally consists of smaller housing units on smaller lots and may include independent living and assisted living units. Senior housing is usually more readily accepted by existing residents than regular multi-family housing because of the reduced levels of automobile traffic, the maturity of the residents, and the realization that such housing is needed to accommodate the increasing number of seniors."

SENIOR OR ELDER - An individual who is 60 years of age or over.

Chelsea *Does zoning include any provisions for housing that is restricted by age?*

No

Clinton *Does zoning include any provisions for housing that is restricted by age?*

Yes Town of Clinton Zoning Bylaws (Amended 2001)

SECTION 7000. SPECIAL RESIDENTIAL REGULATIONS

7100. FLEXIBLE DEVELOPMENT

7110. Purpose. The purposes of this section, Flexible Development, are [among other things/populations]...

7119 to promote the development of housing for persons over the age of fifty five

7172 For every two (2) dwelling units restricted to occupancy by persons over the age of fifty- five, one (1) dwelling unit may be added as a density bonus, provided, however, that this density bonus shall not exceed 10% of the Basic Maximum Number

Cohasset *Does zoning include any provisions for housing that is restricted by age?*

Yes There is a Senior Multi-Family Residence Overlay District, as listed in the Town of Cohasset Zoning Bylaw, Section 16 (Adopted 1978, Last Amended 2003).

Section 16: Senior Multi-Family Residence Overlay District

The Senior Multi-family Residence Overlay District created herein shall be deemed to be an overlay district. The location and boundaries of the Senior Multi-family Residence Overlay District are established and shown as the Residence B and Residence C Zoning Districts on a map entitled "Town of Cohasset, Massachusetts, Zoning District Map, March 2002" prepared by Amory Engineers, P.C. The requirements set forth below shall constitute an alternative means of development of land of appropriate area within the District, provided that a Special Permit in accordance with this Section 16 is granted by the Planning Board. If such a Special Permit is not sought, is not granted or lapses, all requirements of the underlying district shall apply to the land.'

16.1 Definitions

16.1.1 SENIOR MULTI-FAMILY RESIDENCE DEVELOPMENT (SMRD) shall mean housing containing one (1) and (2) bedroom units and/or studio units for independent living for persons who have attained the age of 55 years including associated dining facilities, common rooms, activity rooms, offices, accessory structures, and recreation facilities.

16.1.2 AFFORDABLE TO PERSONS OR FAMILIES QUALIFYING AS LOW INCOME shall mean affordable to persons in the Cohasset area under the applicable guidelines of the Commonwealth's Department of Housing and Community Development earning less than 50% of the area median household income.

16.1.3 AFFORDABLE TO PERSONS OR FAMILIES QUALIFYING AS MODERATE INCOME shall mean affordable to persons in the Cohasset area under the applicable guidelines of the Commonwealth's Department of Housing and Community Development earning more than 50% but less than 80% of the area median household income.

16.1.4 AFFORDABLE TO PERSONS OR FAMILIES AS MEDIAN INCOME shall mean affordable to persons in the Cohasset area under the applicable guidelines of the Commonwealth's Department of Housing and Community Development earning more than 80% but less than 120% of the area median household income.

16.2 Purpose

The following are the purposes of this SMRD bylaw:

16.2.1 To provide alternative housing for a maturing population.

16.2.2 To promote the development of housing affordable to low, moderate and median income elderly persons.

16.2.3 To provide a type of housing which reduces residents burdens of property maintenance and which reduces demands on municipal services.

16.2.4 To promote flexibility in land use planning in order to improve site layouts, protection of natural features and environmental values and utilization of land in harmony with neighboring properties.

16.2.5 To create an incentive for the creation of appropriate housing for independent living for persons who have attained the of 55 years and the creation of appropriate housing which is affordable to persons or families qualifying as low, moderate or median income by allowing the development of housing of greater density than would otherwise be permitted in the underlying zoning district.

16.3 Procedures

16.3.1 Each application for a SMRD shall be filed with the planning board with a copy filed forthwith with the town clerk, and shall be accompanied by eight copies of a preliminary plan of the entire tract under consideration, prepared by a professional architect, engineer and landscape architect.

16.3.2 Said application and plan shall be prepared in accordance with requirements for a preliminary subdivision plan in the rules and regulations of the planning board, whether or not the development constitutes a subdivision, and shall include proposed location, bulk, and height of all proposed buildings. In addition, the applicant shall provide the following information:

a. An analysis of the site, including wetlands, slopes, soil conditions, areas within the 100 year floodplain, trees over eight inches in diameter, and such natural features as the planning board may request.

b. A summary of the environmental concerns related to the proposed plan.

c. Sufficient information, including soil evaluation and percolation test data, in accordance with the rules and regulations of the Cohasset Board of Health and applicable Department of Environmental Protection regulations, to make a determination that adequate provision is made, for the disposal of septic waste or written confirmation from the Town of Cohasset Sewer Commission detailing an agreement to accept the proposed wastewater flow.

d. A description of the neighborhood in which the tract lies, including utilities and other public facilities, and the impact of the proposed plan upon them.

e. Design characteristics shall be stated in the application and shall include, but not be limited to, building material, architectural design, streets, site and building landscaping.

16.3.3 Before acting upon the application, the board shall submit it with the plan to the following boards and departments, which may review it jointly or separately: the board of health, sewer commission, water commission, conservation commission, design review board, police department, fire department and other boards and departments the planning board may deem appropriate. Any such board of agency to which petitions are referred for review shall submit such recommendations as it deems appropriate to the planning board. Failure to make recommendations within twenty days of receipt shall be deemed lack of opposition.

16.3.4 After opportunity for the review by other boards has been provided pursuant to Section 16.3.3, the applicant shall submit to the Planning Board in accordance with the requirements for a definitive subdivision plan in the rules and regulations of the Planning Board, eight definitive plans and the other plans and materials stated above in Section 16.3.2 within ten days of the expiration of the twenty day review period provided pursuant to Section 16.3.3

16.3.5 The Planning Board shall hold a public hearing under this section, in conformity with the provisions of the General Laws, Chapter 40A, Sections 9 and 11.

16.3.6 A special permit issued under this Section 16 shall not be a substitute for compliance with the Subdivision Control Law, Massachusetts General Laws Ch. 41, Section 81K-81GG or the Planning Board's rules and regulations where such compliance is required pursuant to applicable law. The granting of a special permit pursuant to this Section 16 shall not constitute a waiver of any requirement of the Subdivision Control Law or the Planning Board's rules and regulations. However, in order to facilitate processing, the Planning Board may accept a combined plan and application which shall satisfy the requirements of this Section 16, the Subdivision Control Law and the Planning Board's rules and regulations, where applicable.

16.4 Uses

The following uses are permitted in a SMRD by grant of the special permit described in this Section 16: any combination of single family, two-family and multi-family residential structures. Such structures may include associated dining facilities, common rooms, activity rooms, offices, accessory structures and recreation facilities that provide, for the benefit of their residents, services including, without limitation, meals served in a common dining room or delivered to rooms and apartments; housekeeping or laundry services; transportation services; emergency response services; assistance with eating, bathing, dressing, toileting and walking; security; exercise programs; medication reminders; and social and recreational activities.

16.5 Minimum Dimensional Requirements

16.5.1 The total area of the tract, or set of contiguous parcels held in common ownership, to be developed shall not be less than ten acres in a Residence B or Residence C district.

16.5.2 The total number of dwelling units shall be limited to 10 units per acre. For purposes of total dwelling unit calculation, total area shall be exclusive of all wetland resource areas and floodplains.

16.5.3 Every building shall be limited to thirty-five (35) feet in height.

16.6 Design standards

16.6.1 The housing shall provide for an effective and unified treatment of the development possibilities on the project site making appropriate provision for the preservation of natural features and amenities of the site and the surrounding areas.

16.6.2 The housing shall be planned and developed to harmonize with any existing or proposed development in the area surrounding the project site.

16.6.3 All buildings in the layout and design shall be an integral part of the development and have convenient access to and from adjacent uses and roadways.

16.6.4 Walking and bicycle paths shall be provided within the site and as a means of connection to adjacent conservation lands and neighboring streets and sidewalks, when possible.

16.6.5 Individual buildings shall be related but not identical to each other in design, mass, material, placement, and connection to provide a visually and physically integrated development. Rigidity in design shall be avoided by variation in building--locations, landscaping structural coverage, building materials, floor area and cost.

16.6.6 Treatment of the sides and rears of all buildings within the development shall be comparable in amenities and appearance to the treatment given the street frontage of these same buildings.

16.6.7 All buildings shall be arranged so as to preserve visual and audible privacy between adjacent buildings.

16.6.8 No dwelling unit in any building shall be designed, constructed or altered to have more than two bedrooms. For the purposes of this provision, each room in excess of four rooms, exclusive of bathrooms, closets, or other small service rooms of less than forty-eight square feet, shall be considered a bedroom.

16.7 Landscape Design Standards

16.7.1 A maximum of twenty-five percent (25%) of the total area of the tract, or set of contiguous parcels held in common ownership, to be developed as a SMRD may be covered with impervious surface.

16.7.2 Whenever appropriate, existing trees and vegetation shall be preserved and integrated into the landscape design plan.

16.7.3 Whenever possible, the existing terrain shall be presented and earth moving shall be kept to a minimum.

16.7.4 Suitable indigenous shrubs and other plant material may be used for screening.

16.7.5 A 50 foot wide perimeter buffer between a SMRD and abutting properties is required around the entire SMRD perimeter. Access roads and pedestrian paths may cross the buffer at the discretion of the Planning Board. The perimeter buffer may be utilized as natural courses for disposal of storm drainage on the site. The Planning Board may reduce the width-of the buffer to no less than 30 feet at appropriate locations, taking into account the character of open space use of abutting properties or the existence or requirement of buffer thereon. The perimeter buffer shall remain in a natural state to preserve the visual character of the parcel being developed.

16.8 Parking and Circulation Design Standards

16.8.1 There shall be an adequate safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways and off-street parking.

16.8.2 Two parking spaces shall be provided for each two bedroom unit and one parking space shall be provided for each one bedroom unit. Additional required parking, in proximity to any clubhouse or other facility serving residents in common, including guest and employee parking, shall be as determined by the Planning Board.

16.8.3 Parking facilities shall be designed with careful regard to the arrangement, topography, landscaping, ease of access and shall be developed as an integral part of the overall design.

16.9 Affordability and Density Bonus Component

16.9.1 At least 25% of the dwelling units shall be affordable to persons who meet or qualify under this bylaw's definition of low or moderate income

housing for a period not less than thirty (30) years.

16.9.2 A density bonus of 2 units per acre shall be granted when at least 25% of the dwelling units, in addition to affordable units as per Section 16.9.1 herein, are affordable to persons who meet or qualify under this bylaw's definition of median income housing for a period not less than thirty (30) years.

16.9.3 Affordable units in a SMRD must qualify as low or moderate income housing units eligible to be included in the calculation of such units by the Department of Housing and Community Development ("the D.H.C.D.") when determining the percentage of the Town of Cohasset's total housing units which are low or moderate income housing units. To assure such qualification, affordable units in a SMRD shall meet the requirements of the D.H.C.D. for qualification as low or moderate income housing units, including without limitation the definition of low or moderate income housing stated in 760 C.M.R. 30.02 and the requirements for calculation of the statutory minimum stated in 760 C.M.R. 31.04 as the same are currently in effect and as the same may be amended.

16.10 Further Requirements

16.10.1 No lot shown on a plan for which a permit is granted under this section may be further subdivided, and a notation to this effect shall be shown upon the plan.

16.10.2 No certificate of occupancy shall be issued by the Building Inspector until he has certified to the Planning Board that the premises have been built in accordance with the plan approved hereunder.

16.10.3 The total number of multi-family dwelling units of any kind erect in Cohasset shall not exceed 20% of the dwelling units in Town. Such percentage shall be computed without reference to accessory apartments constructed pursuant to Section 15 herein and shall be determined by the Town of Cohasset Assessor.

16.10.4 The Planning Board shall approve the form or forms of ownership and management controls and/or restrictions which limit the occupancy of units in a SMRD to residents who have attained the age of fifty-five years and, where appropriate, to persons or families qualifying as low, moderate or median income, which controls and/or restrictions may be altered from time to time during the useful life of the development so long as the age-restricted and/or income limitation is not altered and so long as no temporary or permanent overnight occupancy for a period in excess of fourteen days by any person who has not attained the age of 55 years, related or not, is permitted. The spouse of a qualified resident who has attained the age of 55 years may be exempted from the age-restriction limitation hereby imposed.

16.10.5 The Planning Board shall adopt, and from time to time amend, rules and regulations consistent with provisions of this Zoning Bylaw, Chapter 40A of the General Laws, and other applicable provisions of the General Laws, and shall file a copy of said rules and regulations with Town Clerk. Such rules and regulations shall, subject to provisions of Section 16 of this Bylaw, prescribe as minimum the size, form, contents, style and number of plans and specifications, the town Boards or Departments from which the Planning Board shall request written reports and the procedure for submission and approval of a Special Permit under the provisions of this section. The Planning Board shall also specify the fees to be paid in connection with application for a Special permit for a SMRD, bonding requirements to satisfy conditions of approval, and owner/occupancy reporting requirements to satisfy conditions of approval; and owner/occupancy reporting requirements to satisfy compliance with the age and affordability restrictions. Other specifications as deemed necessary, by the Planning Board shall be included in the rules and regulations. Failure to adopt such rules and regulations shall not affect the validity of this Section 16.

16.10.6 A SMRD shall constitute housing intended for persons of age fifty-five or over within the meaning of Massachusetts General Laws, ch. 151 B, Section 4 USC, Section 3601 et seq. and in accordance therewith one hundred percent (100%) of the dwelling units in a SMRD shall be owned and occupied by at least one person fifty-five years of age or older per dwelling unit and such development shall be operated and maintained in all other respects in compliance with the requirements of such statutes and regulations promulgate pursuant thereto, and the same are currently in effect and as the same may be amended.

**Webmasters Note: The previous section, Section 16., has been added as per an update approved at a town meeting held on 11/18/02."

Concord *Does zoning include any provisions for housing that is restricted by age?*

No According to Marcia Rasmussen, planning director, Concord's zoning does not have provisions for age-restricted zoning. She commented that Concord is beginning discussions on the issue.

Danvers *Does zoning include any provisions for housing that is restricted by age?*

Yes Town of Danvers Zoning By-Laws, Section 40 (Adopted 1987, Amended 2003):

"Congregate and Independent Housing for the Elderly: A use allowed by special permit in an existing Residence IIA District on sites of not less than ten (10) acres held in common ownership whose use is specifically limited to providing housing for fifty-five (55) years of age and older subject to the provisions of this by-law. A congregate housing project must contain one (1) congregate living facility containing not more than twenty-five (25) units, and independent dwelling units in separate buildings, with no more than four (4) independent dwelling units per building. The overall permitted density shall not exceed 6,000 square feet per unit.

Congregate Living Facility for the Elderly: An independent living environment of not more than twenty-five (25) dwelling units that is residential and non-institutional in nature and which provides persons fifty-five (55) years of age and over with residential dwelling accommodations and certain limited supportive services needed to maintain themselves outside of an institutional setting. It is comprised of dwelling units and centralized kitchen and dining facilities, and may also have designated lounges, meeting rooms, recreation/stage/screening rooms, exercise rooms, libraries, office space, and examination rooms. Each dwelling unit within a congregate living facility must have its own bath, toilet facilities, and kitchen."

The Elderly Housing is available in the Residence II district while the living facility is available in the Health Care District. There is a restriction on the entity that may apply for a special permit to build this type of housing in the Residence II District (there is not such a restriction in the Health Care District). Section 12.2(8)(a) states that, "the applicant must be the Danvers Housing Authority, its statutory successor, or a developer selected by the Danvers Housing Authority."

According to the Schedule of Uses, "Elderly Housing - Low/Moderate Income" is allowed by special permit in RII.

Section 12 RESIDENCE II DISTRICT

12.2 Uses Subject to a Special Permit and Site Plan Approval

8. The construction or alteration of buildings to provide housing for elderly persons of low and moderate income, as defined by Massachusetts General Laws, Chapter 121B, said permit subject to the following conditions:

- a. The applicant must be the Danvers Housing Authority, its statutory successor, or a developer selected by the Danvers Housing Authority.
- b. Buildings shall be not more than two (2) stories in height with no portion of the buildings below the first floor or above the second floor used for dwelling purposes. No building shall contain more than eight (8) dwelling units and no building shall be closer than thirty (30) feet to any other building. Sixteen (16) units per acre is maximum density.
- c. The total area utilized for building and parking spaces, exclusive of roadways, shall not exceed thirty percent (30%) of the land area.

Adequate off-street parking shall be provided to the extent permitted by applicable Federal and State statutes provided, however, that no permanent parking spaces shall be permitted in required setback areas.
- d. The land area, other than that used for buildings, parking or roadways, shall be landscaped with grass, trees, shrubs or ground cover, except for those areas which may be set aside for future development on the same site. Walks and parking areas shall be paved with a hard surface material. An evergreen screen shall be provided along all property lines to a fifty (50) foot setback from the street line. The screen shall consist of a double row of evergreens of at least four (4) feet in height and planted closely enough to prevent viewing through the screen after a period of five (5) years from the occupancy of the buildings constructed under this permit. No off-street parking shall be allowed in the area between the street and the front setback line. No building shall be constructed closer than one hundred (100) feet from any existing dwelling on abutting properties.
- e. Except as otherwise provided herein, all provisions of the existing zoning by-law applicable to Residence II District shall be applicable to this specifically excepted use unless otherwise varied by the Board of

Appeals in accordance with General Laws, Chapter 40A, and the rules and regulations promulgated by the Board of Appeals. However, every building and structure shall be set back not less than fifty (50) feet from the street line and not less than fifty (50) feet from the rear and side lines. Required frontage on a public way must be continuous frontage.

f. The applicant shall submit his application for special permit including site plans to the Board of Appeals with copies of all documents to the Planning Board. The Planning Board may make recommendations concerning the application to the Board of Appeals within thirty (30) days of the receipt of the application. Thereafter, the Board of Appeals shall hold a public hearing with due notice in accordance with Chapter 40A of the General Laws, and may issue a special permit subject to any further restrictions and conditions which the Board of Appeals deems necessary.

Dedham

Does zoning include any provisions for housing that is restricted by age?

No

According to Arthur Noonan, Town Planner, in the completed questionnaire sent back to researcher on 7-9-04, there are no zones in Dedham that restrict

multifamily housing by age.

Arthur Noonan again confirmed on 3/21/05 that the zoning does not have provisions for age-restricted housing. He said that there may be in the future.

A recent 40B development in Dedham is age-restricted. The 60 units are already occupied.

Note the following:

SENIOR SUPPORTIVE HOUSING -- any residential development with supportive services available to the occupants including, without limitation, assistance with the activities of daily living (at a minimum including support for bathing, dressing and ambulation), assistance with instrumental activities of daily living, food, transportation, nursing care, personal care or home health care. Such supportive housing may consist of a single building or group of buildings for residential dwelling purposes. Each dwelling or unit must be occupied by at least one person who is 62 years of age or older. Such supportive housing may or may not be licensed as an Assisted Living Residence under applicable state law.

7.6 Senior Campus District.

7.6.1 Character and Purpose.

The Senior Campus (SC) District is intended to promote the well-planned development of large parcels of land to serve the housing and health care needs of senior citizens, to serve the educational needs of children, and to foster intergenerational relationships and social interaction among different age groups in the SC District via shared or interconnected facilities and common areas, with emphasis upon (i) the continuum of care required as people age, (ii) the availability of supportive services to different types of senior housing and accommodations, (iii) the creation of an appropriate educational environment for children, (iv) the preservation of open space and natural features, and (v) the protection of any adjoining single-family residential areas by increased buffer zones and similar measures.

7.6.2 Establishment.

To be eligible for inclusion in the Senior Campus District (the "SC District"), a parcel or parcels of land must be (i) located in a Single Residence-A District, and (ii) at the time that the land in question is included in or submitted to the SC District contain at least 100 acres of land which are either contiguous or separated only by public or private streets. A separate vote of Town Meeting shall be required to place such an area in the SC District.

7.6.3 Applicability.

The provisions of the SC District shall apply to all land within the SC District. Any matter not addressed herein shall be governed by the Single Residence -A District provisions of the Dedham Zoning By-Law. To the extent of any inconsistency between the provisions of the SC District and any other provisions of the Dedham Zoning By-Law, the provision of the SC District shall govern. Uses allowed by right in the Single Residence-A District shall also be allowed by right in the SC District.

7.6.4 Use Regulations.

1. Except as provided herein, all uses allowed by right in the Single Residence - A District shall be allowed by right in the SC District, and all uses allowed by special permit in the Single Residence - A District shall be allowed by special permit in the SC District. Without limiting the foregoing, schools (owned or leased by a religious sect or denomination, or by a nonprofit educational corporation) and child care facilities shall be allowed by right in the SC District.

2. Senior Supportive Housing shall be allowed by special permit in the SC District in accordance with Section 9.3.

3. Where a use in the SC District requires a special permit, the Planning Board shall be the Special Permit Granting Authority.

4. The following accessory uses shall be allowed in the SC District if the principal use is allowed by right or by special permit as applicable:

(a) Garages for common use vehicles owned by the operating entity and related to campus uses.

(b) Single-story building or buildings to house snow removal, lawn maintenance and recreational equipment.

(c) Fitness facilities including, without limitation, outdoor swimming pools, tennis, and other recreational courts, playing fields, walking paths, putting greens, bocce courts, gardens, residential greenhouses, covered and uncovered sitting areas, and similar facilities.

(d) The operation of any facility permitted in the SC District may also provide optional and/or supportive services on the campus including, but not limited to, local transportation, food and meals, nursing care, personal care, home health care, barber-beauty services, banking services, coffee shop, cafeteria, medical services, sale of sundries for personal consumption, and other similar amenities and supportive services, provided:

(1) Such services are available primarily to the residents, students, faculty, users and employees of the campus; and

(2) The appearance and character of any accessory uses are compatible with a senior campus and/or educational development.

(e) Any and all uses reasonably accessory or incidental to the principal uses. Accessory uses shall comply with the density, dimensional and buffering requirements applicable to the principal use.

5. Section 8.1 shall not be applicable if the work in the SC District is subject to an Order of Conditions issued by the Conservation Commission.

6. Section 6.5.2 shall not be applicable for any retaining walls in the SC District unless such retaining walls are located within the first one hundred (100) feet of the Buffer Zone, measured from the property line of an adjacent parcel outside the SC District.

7. The following Infrastructure requirements shall apply to Senior Supportive Housing and to the Uses described in A.6 (Assisted Living Residence) and B.6 (e.g. hospital, nursing or convalescent home) of the Use Regulation Table (Table 1), and shall supersede any contrary or inconsistent requirements in the Zoning By-Law including, but not limited to, the requirements set forth in 6.2 and 7.5:

A. Water and Sewer - The site shall be connected to municipal or Massachusetts Water Resources Authority water and sewer systems. All costs associated with the extension of these services shall be borne by the developer or applicant.

B. Roads and all traveled ways shall be privately maintained with respect to roadway upkeep and snow and ice removal.

C. Refuse and Recycling - Collection and disposal of all refuse shall be provided privately.

D. Utilities - All utilities on the site shall be installed underground pursuant to approved methods of installation and construction.

E. Safety - A nursing or convalescent home, non-acute chronic disease hospital or Assisted Living Residence (but not Senior Supportive Housing) each shall have a personal emergency response system. In addition, the campus shall be equipped with fire detection systems which shall be monitored in at least one central location. When required by the Department of Health regulations, building code, or local authorities, a direct line connection to the Dedham Fire Department shall be provided.

From definitions:

SENIOR SUPPORTIVE HOUSING -- any residential development with supportive services available to the occupants including, without limitation, assistance with the activities of daily living (at a minimum including support for bathing, dressing and ambulation), assistance with instrumental activities of daily living, food, transportation, nursing care, personal care or home health care. Such supportive housing may consist of a single building or group of buildings for residential dwelling purposes. Each dwelling or unit must be occupied by at least one person who is 62 years of age or older. Such supportive housing may or may not be licensed as an Assisted Living Residence under applicable state law.

Dighton

Does zoning include any provisions for housing that is restricted by age?

No

Douglas

Does zoning include any provisions for housing that is restricted by age?

Yes

The single mention of age restricted housing that could be found in this town's by-laws is the following (and it is optional):

Town of Douglas Zoning Bylaw (Adopted 2004)

7.2 Flexible Development

7.2.1 Purpose

The purposes of this section, Flexible Development, are:...

9. to promote the development of housing for persons over the age of fifty five.

...

7.2.8 Density Bonus

The Planning Board may award a density bonus to increase the number of dwelling units beyond the Basic Maximum Number. The density bonus for the Flexible Development shall not, in the aggregate, exceed fifty (50%) percent of the Basic Maximum Number. The required Affordable Units shall not be counted as density bonus units. Computations shall be rounded to the lowest number. A density bonus may be awarded in the following circumstances:

1. For each additional ten percent (10%) of the site (over and above the required forty percent) set aside as contiguous open space, a bonus of five (5%) percent of the Basic Maximum Number may be awarded; provided, however, that this density bonus shall not exceed 25% of the Basic Maximum Number.
2. For every two (2) dwelling units restricted to occupancy by persons over the age of fifty five, one (1) dwelling unit may be added as a density bonus; provided, however, that this density bonus shall not exceed 20% of the Basic Maximum Number. ...

Email from Stephen Zisk, Planning and Conservation Agent, 6/1/05:

"There has not been any age restricted house (55 and older) built in Douglas and unfortunately the new set of zoning bylaws did not cover this type of use.

The Flexible Development was adopted in 2004 and we currently have two submittals in the Public Hearing process. As a side note, there is an opportunity in the flexible development bylaw to allow for a 55 and older development."

Dover *Does zoning include any provisions for housing that is restricted by age?*

Yes According to Section 185-42(B), at least 25% of the units constructed in a multi-family development must be affordable while 40% of the units shall also be elderly, including any elderly units which are also affordable.

§185-42. Multifamily Residence Districts.

[Amended ATM 5-7-1990 by Art. 16]

(1) At least 25% of the units constructed in a Multifamily Residence District shall be affordable. At least 40% of the units shall also be elderly, including any elderly units which are also affordable.

Dracut *Does zoning include any provisions for housing that is restricted by age?*

No

Dunstable *Does zoning include any provisions for housing that is restricted by age?*

Yes Town of Dunstable Zoning Bylaw, 2004

"Section 6.7. Uses Permitted by Special Permit of the Planning Board

6.7.1. Senior Residential Multifamily Development For the purpose of providing a variety of housing opportunities within the Town for people who are 55 years of age and older while promoting maximum efficiency in the use of land and the preservation of its natural features, in a context of encouraging better overall site planning, protecting the value of real property, promoting the more sensitive siting of buildings and other structures, preserving the natural and scenic amenities of the property, fostering provision for suitable areas for both active and passive recreation, and assuring a high level of environmental protection, an owner or owners of a tract of land situated within the R-1 Single Residence District, or a duly authorized agent of such owner, or owners,

may make application to the Planning Board for a special permit for Senior Residential Multifamily Development (SRMD), exempting such land from the lot area and frontage, yard and width of lot requirements of Section 11 and from the requirements of Section 6.6.1.(a) in favor of the requirements of this section 6.7. relating to Senior Residential Multifamily Development. Such application shall be accompanied by a site plan in accordance with Section 14 of this bylaw, as well as specimen bylaws, rules and regulations required under subsection 6.7.3.(G), and sufficient information to demonstrate compliance with subsection 6.7.4.(A) through (G).

6.7.2. Application under this section shall be submitted in accordance with the requirements of the Massachusetts General Laws and any rules and regulations of the Planning Board in connection with special permits. The Planning Board shall give notification of such application to the Conservation Commission, the Board of Health and the Board of Selectmen; and may, in its discretion, refer the application to any other board or agency of the town, for review, including a Design Review Board which the Planning Board may and hereby is authorized to appoint for these purposes. Any such board or agency to which referral is made for review shall carry out such review and submit a report giving such recommendations as it deems appropriate, within forty-five (45) days of the submission or referral, and send copies thereof to the Planning Board and to the applicant.

6.7.3. After due consideration of the reports and recommendations of any referral board, and after notice and public hearing, the Planning Board may grant a special permit for such Senior Residential Multifamily Development (SRMD) provided that:

(A) It finds that the proposed Senior Residential Multifamily Development plan is in harmony with the purposes of this section.

(B) The area of the tract of land is not less than fifty (50) acres.

(C) The total number of dwelling units in an SRMD shall be no greater than the number of building lots that would otherwise be allowed on the tract, multiplied by $1\frac{1}{4}$, and rounded to the next higher integer, subject to the bonus provisions of subsection 6.7.6., below. In making the determination of the number of allowable units in the SRMD, the board shall require that the applicant provide evidence, satisfactory to the Board, that the number of such units on the proposed SRMD plan is no greater than the number of lots that could otherwise be developed, taking into consideration any limitations upon the buildability of the land arising from the character and condition of the land, the subdivision control laws including the rules and regulations adopted thereunder by the Dunstable Planning Board, other provisions of this bylaw, or other applicable laws, bylaws or regulations.

(D) The SRMD plan meets the following density, structure and dimensional requirements in lieu of the requirements of Sections 6.1.(a) and 11:

(i) Density. The number of units permissible shall not exceed the number of units ascertained pursuant to subsection 6.7.3.(C), above (subject to the bonus provisions of subsection 6.7.6.). For purposes of any SRMD, in order to be included in the calculations for density, or 6.7.3.(c), above, the land area must contain at least seventy-five (75%) percent dry land, and not more than twentyfive (25%) percent wetlands. Wetlands in excess of twenty-five (25%) percent of the entire parcel shall not be used for purposes of calculating density, but may be added to Open Space within the provisions of subsection 6.7.5.(J), below.

(ii) Structures. A SRMD may consist of any combination of single family or multifamily residential structures. A multifamily structure shall not contain more than five (5) dwelling units. The architecture of all multifamily buildings shall be residential in character, particularly providing gabled roofs, predominantly wood or other material of good quality and function which simulates the look and feel of wood siding, an articulated footprint and varied facades. Residential structures shall be oriented toward the street or way serving the premises and not the required parking area.

(iii) Dimensional Controls. The following dimensional controls shall apply per building:

REQUIREMENT SRMD

Minimum Lot Area Two (2) acres

Minimum Frontage Two hundred (200) feet

Minimum Front Yard Setback Fifty (50) feet

Minimum Side and Rear Yards Forty (40) feet

provided that the Planning Board may approve reduced dimensional requirements where it finds that such modified dimensions will more effectively achieve the purposes set forth in subsection 6.7.1, above.

(iv) Buffer. A buffer area of one hundred (100) feet shall be provided at the perimeter of the property, except for driveways/roadways necessary for access

and egress to and from the site; and two hundred (200) feet from all natural bodies of water one (1) acre or larger under normal conditions, and from all rivers or streams within the scope of or regulated under the Rivers Protection Act; provided, however, that existing structures and existing access roadways are exempt from the requirements set forth in this subsection (iv). No vegetation in this buffer area will be disturbed, destroyed or removed, except for normal and ordinary maintenance. The Planning Board may waive or limit the buffer requirement if it determines that a smaller buffer may suffice to accomplish the objectives set forth herein.

(E) The Planning Board finds that satisfactory provisions have been made and secured for Open Space within the project.

(F) The Planning Board finds that sufficient provision has been or will be made to ensure that each of the dwelling units is so restricted that at least one person fifty-five years of age or older (the "Senior Resident") is both an owner and a resident. A restriction to such effect, approved by counsel to the Planning Board, and having the longest available enforceability under applicable law, shall be recorded in the chain of title, and shall be enforceable both by an association of owners and by the Town of Dunstable. The restriction shall provide that insofar as any unit is occupied for dwelling purposes at all, it shall be occupied by at least one Senior Resident. In the event that any unit ceases to be occupied by a Senior Resident by reason of death, reasonable time shall be allowed, not to exceed eighteen months, to allow for such transfer of interest as is necessary in order to establish a Senior Resident in the unit. Furthermore, the continuing observance and enforcement of the age restriction described herein shall be a condition of compliance with this Zoning Bylaw. An exception to the requirement of a Senior Resident shall be allowed for purposes of the restriction and for purposes of compliance with the Zoning Bylaw, only in the case where a Senior Resident is deceased, and there is no surviving Senior Resident, and the unit is owned and occupied by the deceased Senior Resident's surviving spouse.

(G) The Planning Board has reviewed and approved specimen bylaws and rules and regulations of the proposed SRMD which shall be submitted by the applicant and which shall provide means and mechanisms for the maintenance and enforcement of the restrictions required under this Section 6.7.

6.7.4. Design Process. Each SRMD shall follow the design process outlined below. When the development plan is submitted, applicants shall be prepared to demonstrate to the Planning Board with written and graphic exhibits that this design process was considered in determining the layout of proposed streets, dwelling locations, and contiguous Open Space. Applicants are encouraged to carry out the process in the order of steps hereinbelow listed, insofar as feasible.

(A) Understanding the Site. [...]

(B) Evaluating Site Context. [...]

(C) Designating the Open Space. [...]

(D) Location of Development Areas. [...]

6.7.5. Design Requirements. The following standards shall apply within the SRMD.

(A) Water Supply. [...]

(B) Drainage. [...]

(C) Building Separation. The distance between buildings shall be a minimum of forty (40) feet, except that any buildings containing more than two (2) stories may not be closer than fifty-five (55) feet from any building.

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(D) Parking. [...]

(E) Dwelling Units per Building. A SRMD may consist of any combination of single family, and multifamily residential structures meeting the requirements of subsection 6.7.3.(D)(ii), above.

(F) Dwelling Unit Space. All dwelling units within multiple unit buildings shall have a minimum floor space are of seven hundred eighty (780) square feet.

(G) Bedrooms. No dwelling unit may contain more than three (3) bedrooms. No SRMD shall have more than ten (10%) percent of the total number of dwelling units with three (3) bedrooms. A combined sleeping and living room in an efficiency or studio unit, so-called, shall be considered one (1) bedroom, and any other separate room in any unit which is not a single living room or equipped kitchen and is shown on a plan as being for other than bedroom use but which, because of location, size or arrangement could, in the opinion of the Board, be used or adapted for use as a bedroom shall be considered as a bedroom for density calculations. No attic, loft or other storage or similarly usable space shall be used as or altered to create bedroom space, nor shall the construction or other aspects facilitate such use or alteration.

(H) Screening. [...]

(I) Landscaping. [...]

(J) Open Space. All of the land within a SRMD which is not used to meet building separation requirements, and is not comprised of structures, roadways, driveways, necessary infrastructure or above ground utilities (including sewerage treatment or disposal and stormwater management) shall be considered as "Open Space". Open Space shall be laid out in such manner as to tend to assure compliance with the foregoing standards, to provide for pedestrian safety within the site and to provide an aesthetically pleasant setting for the SRMD within its neighborhood, and to be coordinated with other open or protected spaces in the vicinity. The Open Space shall be so designated, shall be at least two times the area of the land described in the first sentence of (J), above, and include no more than twenty (20%) percent of wetlands; provided that, a larger area of Open Space may be designated with a greater complement of wetlands, as long as the Applicant is able to show an area of Open Space at least twice as large as the developed area and including no more than twenty (20%) percent wetlands. Such Open Space shall be located and shall be laid out so as to provide for contiguous green areas uninterrupted to the degree practicable by roadways and structures. Such Open Space shall meet the ownership and maintenance and conservation restriction requirements as provided for under Sections 6.6.3.(H) and (I). Any restriction as described in Section 6.6.3.(I) shall meet all the requirements of G.L., c. 184, Sections 31 through 33.

(K) Lighting. [...]

(L) Rubbish Disposal. [...]

(M) Environmental Protection. [...]

(N) Roads. The principal roadway(s) serving the SRMD may be designed to conform with the standards of the Planning Board under the Subdivision Rules and Regulations where the roadway is or may be ultimately intended for dedication and acceptance by the Town of Dunstable. Private ways shall be adequate for the intended use and vehicular traffic and shall be maintained by an association of unit owners or by the applicant.

(O) Affordable Units. As part of the site plan approval, a minimum of five (5%) percent of the total number of dwelling units shall be restricted for a period not less than thirty (30) years in one or more of the following ways:

a. The units shall be affordable to persons or families qualifying as low income;

b. The units shall be affordable to persons or families qualifying as moderate income; and

c. The units shall be affordable to persons or families qualifying as median income.

The thirty-year restriction shall be approved as to form by legal counsel to the Planning Board. Such affordable units shall be integrated into the overall development of the SRMD so as to prevent the physical segregation of such units. The Applicant shall be encouraged to seek designation of the units referenced in paragraphs a and b, above, as affordable units which qualify as part of the subsidized housing inventory as approved and compiled by the Department of Housing and Community Development (DHCD), or its successor. The Planning Board may require that the Applicant affirmatively take steps to utilize a public agency, a nonprofit agency, limited dividend organization, or other appropriate entity, and through a Local Initiative Petition or other similar mechanism or program, cause application to be made to the DHCD, so as to timely furnish all forms and information necessary to promote the designation of those units referenced in paragraphs a and b, above, as affordable units qualifying as part of the Town's subsidized housing inventory. The Planning Board may require submission of application, forms and appropriate information to the DHCD as a condition of approval.

6.7.6 Density Bonus. The Planning Board may award a density bonus to increase the number of dwelling units beyond the maximum number provided for herein. The density bonus for the SRMD shall not, in the aggregate, exceed ten (10%) percent of the maximum density. All dwelling units awarded as a density bonus shall be limited to not more than two bedrooms. Computations shall be rounded to the next higher integer. A density bonus may be awarded in the following circumstances:

(A) Open Space. For each additional ten (10%) percent of the site (over and above the required Open Space minimum set aside as contiguous Open Space), a bonus of five (5%) percent of the basic maximum number may be awarded;

(B) Affordable Units. For each additional one (1%) percent of the total number of dwelling units restricted to affordable units (over and above the required percentage) pursuant to subsection 6.7.5.(O) a. and b., above, a corresponding one (1%) percent of total units (relative to the maximum number) may be awarded.

6.7.7. Relation to Subdivision Control Law. [...]"

- Dunstable Zoning Ordinance, 6.7, Added May 15, 2002.

Recommendation in 2005 Town of Dunstable Planned Production Plan for Affordable Housing

2) Senior Residential Multi-Family Development

Senior Residential Multi-Family Development (SRMD) is allowed by Special Permit, as may be granted by the Planning Board, under Section 6.7 of the existing bylaw. These provisions describe a variety of thresholds and density bonuses that may apply to senior housing proposals including, but not limited to:

- 50-acre site minimum;
 - Minimum open space requirements are included and will change from one site to the next. Based on the existing language, approximately two-thirds of a site will be set aside as open space;
 - 25% potential total increase in the number of units allowed under conventional zoning;
 - Density bonuses awarded based on number of affordable units or amount of open space included in the proposal;
 - A minimum of 5% of the units shall be affordable for households making “low” to “median” incomes; and
 - Affordability restrictions shall be placed on units for a minimum of 30 years.
- Based upon the goals of the community relative to affordable housing, HW identified several potential changes to this bylaw that would make it stronger and potentially more effective in the community:
- Decrease the minimum site requirement to reduce the potential investment needed to purchase land for these developments. A smaller scale parcel would also reduce the size of the development and allow for piecemeal, lower impact development to take place. Based on the open space requirements, a reasonable threshold the community may consider is 25 acres.
 - Define “affordable” as units set aside for households making below 80% of the HUD Metropolitan Statistical Area median income. This will ensure that

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these units can be counted toward the community’s affordable housing inventory under Chapter 40B.

- Consider raising the minimum affordable unit count to 10%. This percentage is still significantly lower than the Chapter 40B threshold and should not encourage developers to forego the local bylaws in favor of a Comprehensive Permit application.

Duxbury

Does zoning include any provisions for housing that is restricted by age?

No

East Bridge

Does zoning include any provisions for housing that is restricted by age?

No

Town of East Bridgewater Zoning Bylaw, Section 5(E) (Last Amended 2004).
"E. DISTRICT R-5 (RESIDENCE 5):

(16-5/8/89) (AN ADULT RETIREMENT PLANNED UNIT DEVELOPMENT (ARPUD) DISTRICT)

- This district is a residential overlay district applicable to all areas of the town in which a residential use is allowed, except for those areas within a WATERSHED PROTECTION DISTRICT. [Amended 10/30/00]

(0). INTENT: The intent of this Adult Retirement Planned Unit Development (ARPUD) is:

- To provide an alternative housing opportunity for the older population.

- To provide an attractive and suitable residential environment that is more amenable to the needs of people in their latter years, and in many cases with limited incomes.

- To encourage creative and innovative site planning and design, in order to enhance the attractiveness and suitability of smaller homes as a preferred alternative housing type, in order to better meet the specific housing needs of this segment of the population.

- And further, the intent of this ARPUD is to encourage the preservation of common land for open space and recreational use, by promoting better utilization of land in harmony with its natural features, and to retain the rural character of the Town.

(1). ALLOWED USES: There are no additional ALLOWED USES within this ARPUD district.

(2). SPECIAL PERMIT ALLOWED USES: The Planning Board acting as the Special Permit Granting Authority (SPGA) may grant a Special Permit for an ADULT RETIREMENT PLANNED UNIT DEVELOPMENT (ARPUD) per the standards and conditions set forth in Sections 5.E.(4)., (5)., (6)., and (7). that follow.

(3). PROHIBITED USES: All uses not expressly allowed as part of the Special Permit granted for an ADULT RETIREMENT PLANNED UNIT DEVELOPMENT (ARPUD) as defined under this By-Law are prohibited in the ARPUD.

(4). DEFINITIONS (for this section [ARPUD] only)

For the purpose of this ARPUD By-Law, certain terms, words, and phrases are herein defined as follows:

(a). ADULT RETIREMENT PLANNED UNIT DEVELOPMENT (ARPUD) - A self-contained alternative residential community constructed expressly for and specifically limited to use and residency by persons who have achieved a minimum age requirement for residency of at least fifty-five (55) years.

(b). COMMUNITY BUILDING(S) - A building erected solely for the use of the residents of the ARPUD and their guests. The Community Building(s) may contain a game room, entertainment room, sewing room, library, kitchen, laundry facilities, exercise room, toilet facilities, locker rooms for men and women, etc. The Community Building(s) and any other community facility shall be designed and maintained in conformance with the latest Massachusetts standard for accessibility for the handicapped.

(c). MODULAR HOME - A factory built dwelling unit, containing complete electrical, plumbing and sanitary facilities which is designed to be installed on a permanent foundation for permanent living quarters. The definition of MODULAR HOME shall specifically exclude mobile homes or trailers as hereinafter defined.

(d). HOME SITE - A specific "lot" designated for the placement of a home for the use of its occupants under this ARPUD By-Law.

(e). HOME BLOCK - That portion of a HOME SITE which is reserved for the placement of the principle structure (or home).

(f). PERMITTEE - Any person, firm, or corporation receiving a Special Permit to build, operate and/or maintain an ARPUD.

(g). PERSON - The term "PERSON" shall include individuals, corporation(s), owner(s), lessee(s), licensee(s), and agent(s) for each of them.

(h). RESIDENT or OCCUPANT - A person who has achieved a minimum age of at least fifty-five (55) years.

(i). MOBILE HOME or TRAILER - The following shall be considered a MOBILE HOME or TRAILER and not permitted within an ARPUD:

- MOBILE HOME - As defined under Massachusetts General Laws.

- TRAILER - A portable (self propelled or otherwise) structure built on a chassis designed as a dwelling for travel, recreation, or vacation use.

- PICK-UP COACH - A structure mounted on a vehicle chassis (self propelled or otherwise) intended for use as a dwelling for travel, recreation or vacation use.

- MOTOR HOME - a portable dwelling used for travel, recreation or vacation, constructed as an integral part of a self-propelled vehicle.

- CAMPING TRAILER - A folding structure, mounted on wheels and designed as a temporary dwelling for travel, recreation or vacation use.

(5). GENERAL STANDARDS: The following standards shall apply to all ARPUD Developments:

(a). The ARPUD Development is specifically limited to use, residence and occupancy by persons who have achieved a minimum age of fifty-five (55) years, provided, however, that no more than one of the persons occupying any unit may be under fifty-five (55) years of age as provided for under Massachusetts State Law.

(b). Minimum Tract Size - ARPUD Developments shall be located on a parcel of land which has a gross area of not less than thirty (30) acres.

(c). The maximum number of ARPUD dwelling units in the Town of East Bridgewater shall be limited to a number equivalent to ten percent (10%) of

the existing single family residential housing units (excluding ARPUD units) located in the Town of East Bridgewater. The number of single family residential housing for the purpose of this By-Law shall be as established by the Board of Assessors as of January 1 of the calendar year.

(d). The minimum number of dwelling units in any one (1) ARPUD shall be fifty (50).

(e). The maximum number of dwelling units in any one (1) ARPUD shall be one hundred (100).

(f). The maximum density ratio in the ARPUD shall be no greater than four (4) residential units per acre. The gross land area of the parcel will be used in calculating compliance with this maximum density ratio.

(g). Each dwelling unit in an ARPUD shall be assigned an individual HOME SITE having a minimum area of not less than seven thousand (7000) square feet. Each HOME SITE shall have a minimum frontage on an access road within the ARPUD. Minimum frontage shall be determined by the SPGA based on suitability for vehicular access.

(h). There shall be no more than one (1) dwelling unit per HOME SITE within the ARPUD.

(i). Within the ARPUD there shall be a minimum distance of thirty (30) feet between each dwelling unit, and a minimum set-back from the roadway layout of at least thirty (30) feet.

(j). Within the ARPUD all roads shall have a minimum layout width of forty (40) feet and a paved roadway consisting of a travel width of twenty (20) feet with two eighteen (18) inch wide "cape-cod style" berms for a total pavement width of twenty-three (23) feet.

(k). Within the ARPUD no dwelling unit shall be located nearer than two hundred (200) feet from the traveled portion of any public way nor closer than fifty (50) feet from the perimeter lot lines.

(l). Within the ARPUD all open space shall be integrated within and around the development. A minimum of four thousand (4000) square feet of open space shall be provided for each HOME SITE within the development. This ratio can be reduced to a minimum of three thousand (3000) square feet of open space per HOME SITE provided that the overall area of the HOME SITES is increased by one (1) square foot for each one (1) square foot of open space reduction. Area used for roadway layout shall not be used as open space area or site area. Additionally, not less than twenty percent (20%) of the total land area contained within the development shall be designated as open space and further provided that not less than twenty percent (20%) of the open space land shall be suitable for use for passive and/or active recreational purposes. Community buildings and common facilities can be located within the open space.

(6). SITE DEVELOPMENT STANDARDS:

The ARPUD application shall show conformance with the following minimum requirements. The SPGA may, in appropriate cases, waive, increase, reduce or modify these Site Development Standards as a condition of the Special Permit.

(a). Within the ARPUD each HOME SITE shall have suitable frontage on a way within the Development, suitable frontage shall be determined by the SPGA and shall be based principally on the quality of the access and egress provided to the HOME SITE. The required frontage is variable, provided that the average frontage for all the HOME SITES within the development shall not be less than fifty (50) feet and further provided that no HOME SITE shall have a frontage or any dimension less than forty (40) feet.

(b). Within the ARPUD a minimum of two (2) parking spaces shall be required for each HOME SITE. Each parking space shall have an area of not less than ten (10) feet wide and nineteen (19) feet long. The parking area shall be paved and connected with a paved driveway to the roadway within the development. In order to reduce impervious areas within the development, common driveways are encouraged.

(c). Within the ARPUD the HOME BLOCK shall be designated as part of the Special permit plan. Where possible, the HOME BLOCK location shall be oriented with respect to natural landscape features, scenic views, topography and natural drainage patterns. Additionally, HOME BLOCK locations shall show a 'random layout' so as to minimize the visual effects of the density of the development.

(d). Within the ARPUD all utilities shall be installed underground. Each site shall be provided with water, electric, telephone and cable television services. Natural gas service may be installed as an option as determined by the applicant. Each site shall be provided with a sanitary sewer service for the disposal of sanitary wastewater. The method of sanitary wastewater disposal shall conform with the requirements of the East Bridgewater Board of Health and all Massachusetts Sanitary Codes and shall be approved by the East Bridgewater Board of Health. No underground storage of petroleum products shall be allowed, and additionally, all storage of such products shall be within the structure.

(e). Within the ARPUD no dwelling unit shall have an exterior radio, television, or dish-type antenna.

(f). Within the ARPUD all homes shall be constructed on permanent foundations meeting the minimum requirements of the State of Massachusetts Building Code. If a 'crawl space' type foundation is used, the area under the structure shall be skirted so as to conceal the 'crawl space'.

(g). Within the ARPUD no permanent additions, such as lean-tos, enclosures or rooms shall be added to the dwelling units. Open porches with awnings may be installed provided that they extend no closer than fifteen (15) feet to the site side lot and rear lot line or twenty (20) feet to the site front lot line.

(h). Within the ARPUD on-site enclosed storage must be provided for material which is used on a seasonal or infrequent basis and which cannot be

conveniently stored in the dwelling unit. Each storage building must be uniformly constructed of non-ferrous materials and erected on a concrete slab. The individual storage building shall have a minimum outside dimension of five (5) feet by seven (7) feet or a maximum of six (6) feet by eight (8) feet with a height of eight (8) feet. The storage building shall be located at the rear corner of the site. When possible, two or more storage buildings may be combined. There shall be no site side line set-back distance for storage buildings located within a HOME SITE, however, storage buildings shall not be located within fifty (50) feet of the perimeter of the Development.

(i). Within the ARPUD no occupied TRAVEL TRAILER, PICK-UP COACH, MOTOR HOME, CAMPING TRAILER or other MOBILE TRAILER adaptable to living shall be permitted.

(j). Within the ARPUD the access ways shall be designed and constructed in general accordance with the latest Rules and Regulations Governing the Subdivision of Land in East Bridgewater. Except that the pavement width and berm requirements as presented herein shall apply. Each access way shall be provided with at least one sidewalk. Wheelchair ramps shall be provided at all intersections. Street lighting and fire hydrants shall be provided along the roadways throughout the development.

(k). Within the ARPUD open space shall be allocated to the recreational amenity and environmental enhancement of the development and shall be designed as such on the Special Permit plan.

(l). Within the ARPUD there shall be a buffer zone of at least fifty (50) feet in width around the entire perimeter of the development. The buffer zone may include land area designated as a recreational site if determined to be appropriate by the SPGA. The buffer zone shall include natural vegetation, plantings, walls, fences or vegetated earthen berms to provide a screening barrier between the development and the abutting properties. Screening plantings shall be used in combination with fences or walls whenever fences or walls are used. Screening plantings shall be provided between the wall or fence and the abutting property. The buffer zone and its associated screening barrier shall be designated on the Special Permit plan. The detailed plan for planting and screening shall be prepared by a Registered Landscape Architect and shall be part of the Special Permit application.

The actual requirements regarding buffering, plantings, screening, and the like shall be determined by the SPGA as part of the Special Permit process.

(m). Within the ARPUD there shall be a community building(s) and recreational facility provided which shall be available to all residents and their guests. Commercial use of the community building(s) or facilities is specifically limited by this By-law to uses that will service the residents within the ARPUD. All commercial uses within the development shall be delineated as part of the Special Permit application and must be specifically approved by the SPGA as an integral part of the Special Permit.

(n). Within the ARPUD all roads, drainage systems and driveways shall be maintained by the permittee. They shall be kept passable and in good condition at all times. Snow and ice removal shall be done by the permittee as part of the normal road and driveway maintenance. It is intended that all improvements within the development remain in private ownership and be maintained by the permittee.

(o). Within the ARPUD no business of any kind is to be conducted unless specifically authorized by the Special Permit herein granted.

(p). Within the ARPUD the permittee shall be responsible for the disposal of all the solid waste(s) generated by the ARPUD by a method or system approved by the East Bridgewater Board of Health.

(q). Within the ARPUD the permittee shall maintain the system(s) for the subsurface disposal of sanitary wastewater as required by the East Bridgewater Board of Health.

(r). The ARPUD shall conform with the requirements for a self contained retirement community as established by Massachusetts General Laws, Chapter 151B, Section 5, Subsection 8, together with any amendment thereto.

(7). SPECIAL PERMIT PROCEDURES:

(a). The application for a Special Permit for a ARPUD shall be filed with the SPGA, with a copy of the application form filed with the Town Clerk. The application shall be accompanied by ten (10) copies of the Special Permit plan and all pertinent information required to support the subject application.

The Special Permit plan shall show the seal and signature of a Registered Professional Engineer or Registered Landscape Architect. Complete copies of the application and all documents shall be filed with the Board of Health, Water Commissioners and the Conservation Commission.

(b). The Special Permit plan shall provide sufficient detail to show the entire development, roadway systems, HOME SITES, HOME BLOCKS, community buildings and facilities, unit locations, buffer zones, open space and an analysis of the development showing compliance with site area, density and open space requirements.

(c). The Special Permit plan shall be prepared in general accordance with the Subdivision Regulations for a Definitive Plan even though the development does not constitute a subdivision.

(d). In addition, the Special Permit Plan shall show the proposed system for sanitary wastewater disposal, proposed screening plantings, wetlands, water bodies, flood zones, vegetative cover and other natural features.

(e). The Application shall also include a certified list of abutters.

(f). The Application package shall also include a narrative describing the tract of land, the surrounding neighborhood, and the possible impact(s) the development would have on the surrounding area. The narrative shall also include detailed information on the type of housing unit to be used in the development, community buildings, recreational facilities and information in regard to the proposed operation of the ARPUD including anticipated community rules and regulations.

(g). The Special permit for the site plan shall only be issued by the SPGA following a Public Hearing held within sixty-five (65) days after the filing of the application. Any Board or Commission to which copies of the application was submitted for review, shall submit, in writing, any comments and/or recommendations as it deems appropriate to both the SPGA and the Applicant within forty-five (45) days of the receipt of said application. If no response is received within the forty-five (45) days, it shall be assumed by the SPGA that no response is required.

(h). The Special Permit granted under this By-Law shall lapse if not exercised within one (1) year after the Special Permit is granted, unless the SPGA extends the period (up to a maximum of three (3) years) following written request for extension by the licensee.

(i). The Special Permit granted under this section shall specify that construction of this ARPUD shall be phased such that actual residential unit construction does not exceed the following schedule:

- PHASE I (0-12 months from issuance of SPECIAL PERMIT): Total number of building permits issued for dwelling units shall not exceed 50% (fifty percent) of the total number of dwelling units approved under this Special Permit.

- PHASE II (12-24 months from issuance of SPECIAL PERMIT): Total number of building permits issued for dwelling units shall not exceed 75% (seventy-five percent) of the total number of dwelling units approved under this Special Permit.

- PHASE III (after 24 months from issuance of SPECIAL PERMIT): Total number of building permits issued for dwelling units may equal the total number of dwelling units approved under this Special Permit."

Easton

Does zoning include any provisions for housing that is restricted by age?

Yes

From ordinance.com:

7-14. ADULT RETIREMENT DEVELOPMENT

A. Purpose: The purposes of this section are:

1. To provide an alternative housing opportunity for persons 55 years of age and older;
2. To provide an attractive and suitable residential environment that is more amenable to the needs of people in their later years;
3. To encourage creative and innovative site planning and design, in order to enhance the attractiveness and suitability of this alternative housing type, and to better meet the specific housing needs of this segment of the population; and
4. To encourage the preservation of common land for open space and recreational use by promoting the highest and best utilization of land in harmony with its natural features, and to retain the rural character of the town.

B. Special permit: In the Residential, Business and Industrial Districts, the Planning and Zoning Board may grant a Special Permit for an ADULT RETIREMENT DEVELOPMENT (ARD) as an alternative to conventional subdivision. Subdivision approval pursuant to Chapter 41 MGL is also required.

C. Definitions: For the purpose of this section only, certain terms, words and phrases are herein defined as follows:

1. ADULT RETIREMENT DEVELOPMENT (ARD) , a self-contained alternative residential community constructed expressly for and specifically limited to use and residency by persons who have achieved a minimum age requirement for residency of at least fifty-five (55) years. Such developments shall comply in all respects to the requirements of MGL Chapter 151B, as it may be amended.
2. COMMUNITY FACILITY(IES) - Developed common areas, constructed solely for the use of the residents of the ARD and their guests. The Community Facility(ies) may include buildings housing activities and amenities such as game room, entertainment room, sewing room, library, kitchen, laundry facilities, exercise room, toilet facilities, locker rooms for men and women, etc. Facility(ies) may also include outdoor activities and amenities such as swimming pools, gardens, paths and walkways, putting greens, and the like. All Community Facility(ies) shall be designed and maintained in conformance with the latest Massachusetts standards for handicap accessibility.

D. Adult Retirement Development General Standards:

1. Permitted Uses

Land in the ARD is specifically limited to use, residence and occupancy by persons who have achieved a minimum age of fifty-five (55) years of age, in accordance with MGL Chapter 151B, as it may be amended, and community facilities for residents of the ARD and their guests.

2. Area and Dimensional Requirements

(a) Minimum Tract Size: The Tract of land for an ARD must contain at least twenty-five (25) acres and have at least forty (40) feet of frontage on a public way.

(b) Lot Area, Frontage, Width and Yard Requirements:

(1) Minimum Lot Area: nine-thousand (9,000) square feet

(2) Minimum lot frontage: seventy-five (75) feet

(3) Minimum lot width: seventy-five (75) feet

(4) Minimum yard requirements - see Table 6-3

3. Building Location Requirements:

(a) No building (except accessory structures not in excess of 65 square feet) shall be located within 25 feet of a public way or private way; within 30 feet of the boundary line of the ARD; or within 30 feet of any designated Common Land.

(b) The Planning and Zoning Board may require larger setbacks and distances, and it may permit smaller setbacks and distances if it finds that such smaller setbacks will not detract from the purpose and intent of the ARD.

4. Number of Dwellings:

(a) The maximum number of ARD dwelling units in the Town of Easton shall be limited to a number equivalent to five percent (5%) of the existing single-family residential housing units (excluding ARD units) location in the Town of Easton. The number of single-family residential housing units for the purpose of this By-law shall be established by the Board of Assessors as of January 1 of the calendar year, in which the special Permit application is filed.

(b) The maximum number of dwelling units permitted in an ARD shall be computed by dividing the developable area of the ARD tract (in square feet) by one-half (1/2) of the minimum lot size required in the underlying zoning district. For the purpose of this computation, the "developable" area shall be the total area of the tract, including the Common Land, but excluding all streams, ponds, wetlands, 100 year floodplains, drainage easements, and areas subject to existing valid open space restrictions.

(c) The maximum number of dwelling units in any one (1) ARD shall be one hundred fifty (150).

(d) The minimum number of dwelling units in any one (1) ARD shall be forty (40).

5. Streets and Utilities

All streets in the ARD shall be private ways. All streets, and all sewage, drainage facilities, and utilities, shall be designed and constructed in compliance with the Town of Easton Subdivision Rules and Regulations, except as specifically modified by the following design standards:

(a) The minimum width of rights-of-way shall be forty (40) feet.

(b) The minimum widths of roadways (paved travel area) shall be twenty-two (22) feet for streets providing access for up to and including 40 dwellings, and twenty-four (24) feet for streets providing access for more than 40 dwellings.

Exceptions to the Subdivision Rules and Regulations may be authorized by the Planning and Zoning Board in granting a special permit hereunder provided that the Board determines such exceptions are in the public interest and are not inconsistent with the purposes of Section A.

6. Conditions

Any plan approved as an ARD must contain or refer to recorded covenants regarding each of the following:

(a) The streets within the ARD shall remain permanently a private way, which shall not be extended;

(b) The Private Way shall not be connected to any other way except where it originates on a public way; except another private way within the ARD.

(c) The lots shall obtain access from the Private Way if, and only if, ownership of the lot provides automatic membership in a homeowner association or

any other entity responsible for all maintenance and snow removal of or from the Private Way. The homeowners association or entity hereafter shall retain all rights in the Private Way.

(d) The Private Way does not meet the standards of the Town for acceptance for new ways and shall not be proposed for such acceptance.

(e) A perpetual easement in favor of the Town of Easton shall be granted to allow access to and maintenance of public utilities as appropriate.

7. Common Land

Dimensional Requirements

In an ARD, at least thirty (30) percent of the total tract area shall be set aside as Common Land for the use of the ARD residents. The following additional requirements shall apply:

(a) The minimum required area of the Common Land shall not contain a greater percentage of wetlands (as defined in MGL Chapter 131, Section 40, or in Chapter 227 of the Code of the Town of Easton) than the percentage of wetlands areas found in the overall tract of land on which the ARD is located.

(b) Common Land shall be planned as large, contiguous parcels whenever possible. Strips or narrow parcels of Common Land shall be permitted only when necessary for providing access to the Common Land from a public or private way, or if the Planning and Zoning Board finds that a vegetated buffer strip along the site's perimeter is appropriate and consistent with the purpose of ARD development.

(c) Common Land may be set aside in more than one parcel provided that the size, shape, and location of such parcels are suitable for the designated uses.

(d) The Common Land shall include adequate upland access from a way public or private.

8. Use of the Common Land

(a) The Common Land shall be dedicated and used for natural resource protection, recreation, park-purposes, Community Facilities, outdoor education, agriculture, horticulture forestry, or for any combination of such uses. Not other uses shall be allowed in the Common Land, except as follows:

(i) A portion of the Common Land may also be used for the construction of leaching areas associated with septic disposal systems serving the ARD or for water supply wells serving the ARD, if the Planning and Zoning Board determines that such use will enhance the specific purpose of the ARD and promote better overall site planning. Septic disposal easements shall be no larger than reasonably necessary. If any portion of the Common Land is used for the purpose of such leaching areas or wells, the Planning and Zoning Board shall require adequate assurances and covenants that such facilities shall be maintained by the lot owners within the ARD.

(ii) A portion of the Common Land may also be used for ways serving as pedestrian walks, bicycle paths and emergency access or egress to the Common Land or adjacent land, if the Planning and Zoning Board determines that such a use will enhance the specific purpose of the ARD and promote better overall site planning, and if the Planning and Zoning Board finds that adequate assurances and covenants exist to ensure proper maintenance of such facilities by the owner(s) of the Common Land.

(iii) The Common Land may be subject to easements for the construction, maintenance, and repair of utility and drainage facilities serving the ARD or adjacent parcels.

(b) The Common Land shall remain unbuilt upon, provided that an overall maximum of ten (10) percent of such land may be subject to pavement and structures accessory to the dedicated use or uses of the Common Land, exclusive of private ways.

(c) The proposed use of the Common Land shall be specified on a plan, and appropriate dedications and restrictions shall be part of the deed to the Common Land.

(d) The Planning and Zoning Board shall have the authority to approve or disapprove particular uses proposed for the Common Land in order to enhance the specific purposes of the ARD and to further efforts to equitably distribute a variety of open space benefits throughout the ARD community.

9. Ownership of Common Land

(a) The Common Land shall be conveyed in the whole or in part to a corporation or trust owned or to be owned by the owners of the dwelling units within the ARD; or to an entity responsible for the management of the ARD; or to a non-profit entity, the principal purpose of which is the conservation of open space. The Planning and Zoning Board shall approve the form of ownership of the Common Land.

(b) If any portion of the Common Land is not conveyed to the Town of Easton, a perpetual restriction, approved by the Planning and Zoning Board and enforceable by the Town of Easton, shall be imposed on the use of such land, providing in substance that the land be kept in its open or natural state and that the land shall not be built upon or developed or used except in accordance with provisions of an ARD as set forth herein and, if applicable, as further specified in the decision of the Planning and Zoning Board governing the individual ARD.

(c) The proposed ownership of all Common Land shall be specified for the ARD.

(d) At the time of its conveyance (if applicable), the Common Land shall be free of all encumbrances, mortgages or other claims (including pre-existing conservation easements or restrictions), except as to easements, restrictions and encumbrances required or permitted by this by-law.

E. Site Development Standards:

1. Within the ARD, adequate access shall be provided to each dwelling unit; said access shall be convenient and appropriate for residents and emergency services.

2. To the greatest extent possible, open spaces, common land, house sites, streets and house lots shall be designed with due respect to natural landscape features, scenic views, topography, soils, and natural drainage patterns.

3. All utilities shall be installed underground.

4. Within the ARD, there shall be a buffer zone of at least twenty-five (25) feet in width around the entire perimeter of the Development. The buffer zone shall include natural vegetation, plantings, walls, fences, or vegetated earthen berms to provide a screening barrier between the development and the abutting properties.

Screening plantings shall be provided between the wall or fence and the abutting property. The buffer zone and its associated screening barrier shall be designated on the Special Permit Plan. The detailed plan for planting and screening shall be prepared by a Registered Landscape Architect and shall be part of the Special Permit application. The actual requirements regarding buffering, plantings and screening shall be determined by the SPGA, the Planning and Zoning Board, as part of the Special Permit process.

5. Retail sales and/or services may be provided within the ARD site for the convenience of residents and their guests only. Signage for such sales or services shall be building-mounted only; sign area shall not exceed six (6) square feet; there shall be only one identification sign per business; and signage shall not be illuminated. All commercial uses within the development shall be delineated as part of the Special Permit application and must be specifically approved by the SPGA as an integral part of the Special Permit. Adequate parking for the approved commercial uses, as determined by the SPGA, shall be provided and depicted on the plan.

6. The hydrants and all water mains within the private right of way shall be owned by the Town of Easton so that they may service and maintain their property.

7. The ARD shall conform with the requirements for a self-contained retirement community as established by Massachusetts General Laws, Chapter 151B, Section 5, Subsection 8, together with any amendment thereto.

F. Application Process: An application for an Adult Retirement Development special permit shall cover the entire Adult Retirement Development.
Application Process:

(a) Pre-submission Meeting

Prior to submission of the special permit application to the Board, the applicant is strongly advised to meet with the Town Planner or other Board designee to review the proposed development of the parcel of land, in order to explore general conditions involving the site and to discuss potential problems. Pencil sketches, which need not be professionally prepared, will assist in this discussion, and should show the critical features of the ARD plan.

(b) Special permit Application and Definitive Subdivision Plan

The special permit application shall contain a plan in the form and with the contents required of a Definitive Subdivision Plan by the Easton Subdivision Rules and Regulations. The applications for Special Permit and for approval of a Definitive Subdivision Plan shall be filed concurrently. To the extent permitted by law, the Planning and Zoning Board shall consider both applications at the same time.

G. Planning and Zoning Board Action

1. In evaluating the proposed ARD, the Planning and Zoning Board shall consider:

(a) the general purpose and objectives of this by-law;

(b) the existing and probable future development of surrounding areas;

(c) the appropriateness of the proposed layout of streets, ways, lots and structures; and

(d) the proposed layout and use of the Common Land in relation to the proposed dwelling units in the ARD, adjoining public or private common land or open space, or the topography, soils and other characteristics of the tract of land in question.

2. The Planning and Zoning Board may grant a special permit for an ARD if it finds that the ARD:

(a) complies with the requirements of this Section 7-14, other applicable requirements of the Zoning By-laws and any regulations and guidelines

promulgated there to, where applicable, the construction and design standards of the Easton Subdivision Rules and Regulations;

(b) is consistent with the purposes of this section; and

(c) is in harmony with the existing and probable future uses of the area and with the character of the surrounding area and neighborhood.

3. If the Special Permit granted under this section is for more than 100 units, the SPGA may, at its discretion, specify that the construction of the ARD shall be phased in accordance with the following schedule:

PHASE I (0-12 months from issuance of SPECIAL PERMIT): Total number of building permits issued for dwelling units shall not exceed fifty percent (50%) of the total number of dwelling units approved under this Special Permit;

PHASE II (12-24 months from issuance of SPECIAL PERMIT): Total number of building permits issued for dwelling units shall not exceed seventy-five percent (75%) of the total number dwelling units approved under this Special Permit;

PHASE III (24-36 months from issuance of SPECIAL PERMIT): Total number of building permits issued for dwelling units may equal the total number of dwelling units approved under this Special Permit.

H. Special Permit Conditions

As a condition of approval, the Planning and Zoning Board may require such changes in the proposed development plans and may impose such conditions and safeguards as it deems necessary to secure the objectives of this by-law, and to protect the health, safety, and welfare of the inhabitants of the neighborhood and of the Town of Easton.

1. Change in Plans After Grant of Special Permit

No change in any aspect of the approved plans shall be permitted unless approved in writing by the Planning and Zoning Board. A new or amended special permit will be required if the Planning and Zoning Board determines any proposed change to be substantial.

J. Building Permits

No building permit shall be issued for any structure within an approved ARD unless such structure is in compliance with this By-law and terms and conditions of any special permit thereunder.

The Planning and Zoning Board is the Special Permit Granting Authority (SPGA) for this By-law.

Essex *Does zoning include any provisions for housing that is restricted by age?*

No

Everett *Does zoning include any provisions for housing that is restricted by age?*

No

Foxboroug *Does zoning include any provisions for housing that is restricted by age?*

No According to Mark Resnick, Planning Administrator, (7-19-04) there are no age restrictions on multifamily housing in Foxborough.

From definitions on ordinance.com:

4. AGE-RESTRICTED HOUSING - A housing development in which at least one resident of each dwelling unit is 55 years or older, and other residents must be over 21, but are permitted to be younger than 55.

**Webmasters Note: The previous definition has been added as per an update approved at a town meeting held on 12/2/02.

Framingha *Does zoning include any provisions for housing that is restricted by age?*

Yes Town of Framingham
Zoning Bylaws (Last updated 3/17/2003)

III. USE AND DIMENSIONAL REGULATIONS
K. Geriatric Care/Elderly Housing District

K. Geriatric Care/Elderly Housing District
1. Purpose and Intent

The purpose and intent of a Geriatric Care/Elderly Housing District is to encourage the development of a continuum of geriatric care facilities, including housing and community services for the elderly, with a design compatible with the surrounding neighborhood and internally cohesive.

2. Applicability

The Geriatric Care/Elderly Housing District may be applied only to single or contiguous lots containing a total of at least 20 acres of land. No individual use (including each subcomponent of Permitted Uses) shall consist of more than fifty percent (50%) of the potential floor area allowed in the District. Individual lots in the District may be developed for one or more buildings.

3. Permitted Uses.

No building or structure shall be constructed, used, or arranged or designed to be used in any part and no change shall be made in the use of land or premises except for one or more of the following purposes:

- a. Housing for the elderly, including Independent Living Housing, Congregate Living Housing, Assisted Living Housing and nursing homes, and related facilities, provided that at least one occupant of each housing unit shall have attained the age of 55 and any other occupants of each housing unit shall have attained the age of 50.
- b. Health care facilities and services for the elderly, including Nursing Care Facilities, Geriatric Hospital Facilities, Hospice Facilities, and rehabilitation centers and programs, home health services and medical offices.
- c. Community and social services primarily for the elderly, day care centers for children or the elderly, places of worship, transportation services, meals on wheels and related eldercare services.
- d. Gardens and Greenhouses.
- e. Cultural and Educational Centers for cultural and educational programs, events and performances. Only one such facility available for use by the general public shall be permitted within a district. The total combined indoor and outdoor seating capacity of such facility shall not exceed 200 seats. Additional rooms, designed for educational or cultural programs for the residents and staff of the district, shall be permitted.
- f. Health club facilities and recreation facilities, intended for the primary use and convenience of the residents and staff of the Geriatric Care/Elderly Housing District and elderly residents, age 55 and older, of the Town of Framingham, such as swimming pools, exercise facilities and tennis courts.
- g. Passive Recreation Buffer Areas for the installation, repair and maintenance of footpaths and trails; underground utilities; and public access and drainage easements.
- h. Outdoor recreational facility, as defined in Section I.E.1.
- i. Accessory Uses: Retail sales and services including restaurants, snack bars, gift shops, laundry services, barber/beautician, banking and financial services, businesses and professional offices, and personal services not specifically noted elsewhere in this Section, subject to the following conditions:
 - (1) Accessory Uses shall be primarily for the use and convenience of the elderly residents living, and service staff working within the Geriatric Care/Elderly Housing District;
 - (2) Accessory Uses may not exceed five (5) percent of the total floor area of all permitted uses that may be built in the Geriatric Care/Elderly Housing District;
 - (3) No Accessory Use, other than a restaurant, may occupy more than 1,000 square feet;

(4) Capacity of a restaurant shall not exceed 60 seats;

(5) Accessory Uses shall be wholly within a building and shall have no exterior advertising display.

4. The following uses shall require a special permit from the Zoning Board of Appeals:

a. Indoor non-profit recreational facilities such as swimming pools, tennis court, skating rink, or children's camp or center.

III. USE AND DIMENSIONAL REGULATIONS

A. Single Residence

3. The following uses shall require a special permit from the Planning Board:

b. Assisted Living and Congregate Living Housing for the elderly, including non-profits, not-for-profits and for-profits, subject to the following conditions (1) - (10) for all new construction and for all rehabilitation/reconstruction of such use in an existing building where the existing footprint or floor area ratio (FAR) have increased; and subject to the following conditions (7) - (10) only for the rehabilitation/ reconstruction of such use in an existing building where the existing footprint and floor area ratio (FAR) have not increased:

(1) the development shall be on a parcel or parcels of land of not less than 5 acres, or not less than 1 acre per 10 units or fraction thereof, whichever acreage calculation is greater in Single Residence and General Residence Districts;

(2) the development shall be permitted only on a parcel or parcels of land located on a primary or collector roadway or with direct access to a primary or collector roadway;

(3) the Floor Area Ratio (FAR) shall not exceed .25 in Residential zones. In a Business District or Office and Professional District, the specified Floor Area Ratio for the District shall apply;

(4) the minimum front setback shall be 150 feet, of which at least 75 feet from the streetline shall be landscaped open space;

(5) the minimum side setback shall be 50 feet, except where the development abuts a lot in single-family, two-family or three-family use, in which case the minimum side setback shall be 200 feet;

(6) the maximum height of a structure (excluding chimneys, antennas and other appurtenances necessary for the operation of the building) in a Single Residence or General Residence District shall not exceed 2 1/2 stories and shall not exceed 35 feet when set back more than 300 feet of a single family, two-family or three-family residential lot line and shall not exceed 2 stories and shall not exceed 26 feet within 300 feet of a single family, two-family, or three-family residential lot line; in a Business District or Office and Professional District, the underlying height requirement shall apply;

(7) developments adjoining or facing residential uses, shall provide year-round opaque screening at the time of occupancy, comprised of walls, fences, berms, or evergreen plantings;

(8) all parking areas shall be provided with year-round opaque screening at the time of occupancy, comprised of walls, fences, berms, or evergreen plantings;

(9) developments located in a Single Residence District or General Residence District shall be designed for compatibility with the residential character of the area;

(10) developments shall be subject to Site Plan Review.

Franklin

Does zoning include any provisions for housing that is restricted by age?

Yes

Town of Franklin Zoning Bylaw, Section 185-48 (Last Amended 2001).

185-48. Senior Village Overlay District.

[Added 5-2-2001 by Bylaw Amendment 01-461]

A. Purpose. The purpose of the Senior Village Overlay District is to encourage development of master-planned residential communities for persons 55 years of age and older, by allowing for a greater variety of uses and building types at a higher density than would normally be allowed, and allowing greater flexibility in site planning so as to promote affordable housing and the preservation of open space and historic resources within the development. It is intended that a senior village development provide a range of housing types and facilities that are responsive to the socio-cultural, health care, and recreational needs of senior residents. The intent of a senior village is to achieve, to the greatest possible degree, land development that is responsive to an analysis of the environmental assets and constraints of a site, both natural and man-made. The senior village should be a well-integrated development in

terms of land use, functional systems, and major design elements such as buildings, roads, utilities, wastewater treatment and disposal, drainage systems and open space. Design standards should be supportive of a New England character, with a cohesive center and a sense of neighborhood. A senior village is allowed greater design flexibility so that site planning for a development may protect natural features and take into consideration the surrounding land use and development context. This may allow for development to be more highly concentrated on one portion of a site than would otherwise be the case, with a resulting lower intensity of development and preservation of open space elsewhere on the site. Development should be concentrated in the most suitable and least environmentally sensitive areas of the landscape. Preservation of natural open space is strongly promoted, as is provision and enhancement of additional open space for recreational use and enjoyment of residents. It is intended that the benefits of senior village development will act to encourage property owners/developers to consolidate land parcels so that comprehensive and responsible site planning will occur.

B. General requirements.

(1) Location. The Senior Village Overlay District is an overlay zoning district that shall be superimposed on the Rural Residential I District, Rural Residential II District, Single-Family Residential III District, Single-Family Residential IV District, General Residential V District, Residential VI District, Commercial I District, and Commercial II District of the Town of Franklin.

(2) Special permit. Senior villages will be authorized only by special permit granted by the Planning Board (hereinafter referred to as "the Board").

C. Permitted uses.

(1) Uses allowed as of right. The following uses shall be allowed as of right within a Senior Village Overlay District:

(a) All uses permitted as of right in the underlying base zoning district.

(2) Uses allowed by special permit. The following uses may be permitted within a Senior Village Overlay District upon the granting of a special permit:

(a) A senior village planned unit development (senior village).

D. General standards and density determination.

(1) General standards. A senior village shall comply with the following general standards:

(a) All dwellings in a senior village shall be subject to an age restriction described in a deed/deed rider, or restrictive covenant, and shall be reviewed by the Town Attorney and approved by the Board recorded at the Registry of Deeds and/or the Land Court. The age restriction shall limit the dwelling units to occupancy by seniors, age 55 or older, or their spouses of any age, or other persons if medical need can be established to the satisfaction of the association approved by the Board; provide for reasonable time-limited guest visitation rights; and may authorize special exceptions that allow persons of all ages to live in a dwelling unit together with a senior resident, if the Board so approves and specifies this in its special permit. The special permit and the age restriction described above shall run with the land and shall be enforceable by any owner(s) of dwelling units in the senior village and/or the Board of the Town of Franklin.

(b) A senior village shall contain a minimum of 10 housing units as defined in this section.

(c) A senior village shall be constructed on a parcel or on contiguous parcels of land totaling at least five acres in size.

(d) Upon approval by the Board, a senior village may include accessory retail uses. The total amount of gross, building floor area used for accessory retail uses shall not exceed 5% of the total gross building floor area for the entire senior village, or 10,000 square feet, whichever is greater.

(e) Upon approval by the Board, a senior village may include accessory restaurant uses. The total amount of gross building floor area used for accessory restaurant uses shall not exceed 5% of the total gross building area for the entire senior village, and shall contain a maximum of 100 seats.

(f) Upon approval by the Board, a senior village also may include a senior village community center or community building(s) intended for use and benefit of the senior village residents, provided that such uses shall occupy not more than 10% of the gross building floor area constructed within the approved senior village, and only if the Board finds that adequate assurances and covenants exist, to ensure proper maintenance of such facilities by the residents, owners or their agents, and that the residents, owners or their agents will bear all expenses related thereto.

(g) The maximum number of permitted housing units within all permitted senior village developments in the Town of Franklin shall be limited to a number equivalent to 25% of the existing single-family residential housing units (excluding senior village units) located in the Town of Franklin. For the purpose of this bylaw, the number of single-family residential housing units shall be as established by the Board of Assessors as of January 1 of the calendar year. The Board may waive, this limitation if the Board finds that the proposed development fulfills a critical senior housing need for the Town of Franklin or the surrounding region.

(2) Density determination.

(a) For the purposes of this bylaw, the base density of a senior village shall be two housing units per gross site acre, except where the senior village is proposed in General Residential V, and Commercial I Zoning Districts, where the base density shall be three units per gross site acre. This base density may be increased by following the requirements of this section.

(i) The maximum number of permitted housing units in a senior village shall be determined by multiplying the base density by a factor of five.

(ii) For the purposes of this bylaw, one housing unit shall be defined as equal to:

a. One home site in a senior village residential subdivision, or one senior village townhouse:

b. Two dwelling units or rooms in an assisted living or congregate living residence facility, or independent living, residence facility;

c. Three dwelling units or rooms in a long-term care facility.

(b) An applicant or developer of a senior village is not entitled to the maximum number of housing units described above. The allowable increased density, up to the calculated maximum number of housing units for the given senior village site, is at the discretion of the Board based on evaluation of the proposed development plan's impacts and benefits, and the density guidelines outlined below.

(c) Density incentives to further certain public objectives.

(i) Basic senior village bonus. A senior village's base density is defined as two housing units per gross site acre except where noted above. To qualify as a senior village, a proposal shall, at a minimum: (a) set aside 5% of the total number of dwelling units provided on the site as affordable housing as defined in this section; (b) provide for a minimum of 30% of the lot area as permanent, protected open space conforming to the open space standards set forth in this section. The minimum of 30% open space requirement may be waived by the Board if the proposed senior village is within the Commercial I or General Residential V Zoning District and includes the rehabilitation or renovation of a certified, historic or architecturally significant structure for use as senior housing, and (c) to conform with the Design Review Commission guidelines as interpreted by the Design Review Commission and the Board and to conform with the standards of this section. This enhanced base density for senior villages may be further increased according to the provisions below pertaining to: additional affordable housing; additional open space dedication; and rehabilitation of existing buildings.

(ii) Additional affordable housing. In addition to the minimum requirement of 5% on-site affordable housing, a density increase is permitted where the proposal provides onsite or off-site housing opportunities for low- or moderate-income senior households. For the purposes of this section, affordable housing shall be defined as dwelling units that are rented or sold to, and occupied by, households earning up to 80% of the median area household income, as such median is defined by the United States Department of Housing and Urban Development (HUD)- Affordable rental units shall be "rent restricted," as such term is defined in the Federal Low-Income Housing Tax Credit Program, Internal Revenue Code Section 42(g)(2), such that rents, including utilities, are set at no more than 30% of the income limit. Affordable units shall, by deed restriction, remain affordable in perpetuity. Affordable units shall be dispersed throughout the senior village and shall be externally indistinguishable from the market rate units. If the affordable units are part of a condominium, the condominium documents shall; at a minimum, ensure that the owners of the affordable units will not be required to pay for capital improvements they cannot afford and that they will have fair and sufficient voting rights. The property owner shall seek referrals for the affordable units from the Franklin Housing Authority and shall submit an annual report to the Franklin Housing Authority, detailing compliance with the affordable housing provisions of the senior village approval. The Franklin Housing Authority shall be responsible for monitoring the long-term affordability of the units and shall report any deviations from these provisions to the Building Inspector and the Board. When an off-site housing provision is proposed, the Board shall require evidence that these units will in fact be constructed within 12 months from the date of approval of the senior village proposal. The amount of density increase shall be calculated as follows:

a. For each affordable housing unit provided under this section, two additional housing units - may be permitted up to the maximum permitted under this section.

b. For each affordable housing unit where, by deed restriction, Franklin residents have first right of refusal, 2.5 housing units may be permitted up to the maximum permitted under this section. The density bonuses above are not to be combined. Under no circumstances shall one affordable unit allow more than 2.5 additional units.

(iii) Additional open space. In addition to the minimum requirement of 30% preserved on-site open space, the applicant may dedicate additional land as open space in conformance with the open space standards of this section. This open space may be on- or off-site. Documents demonstrating the preservation of the open space shall be submitted to the Board prior to the issuance of any occupancy permit. The amount of density increase shall be calculated as follows:

a. For each acre (with the total acreage rounded to the nearest whole number) of preserved open space, three additional housing units may be permitted up to the maximum permitted under this section.

b. For each quarter-mile of trail that becomes and/or remains publicly accessible, one additional housing unit may be permitted up to the maximum permitted under this section. The Board shall request a letter of recommendation from the Open Space Committee regarding the quality of the proposed trail network

c. Upon the determination of the Board and the written recommendation of the Open Space Committee or Conservation Commission, the Board may grant up to 10 additional housing units over and above the maximum permitted, for the preservation of critical open space.

(iv) Rehabilitation of existing buildings. A density increase is permitted where the applicant rehabilitates or renovates existing buildings on the senior village site. Where there are buildings and structures on the site that have been certified by the Historic Commission, or the Board's historic consultant as having historic and/or architectural significance, all said buildings and structures shall be rehabilitated or renovated in order to receive a density bonus under this section. The Board shall refer to the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings

for guidance when reviewing the buildings and structures which have been, or are proposed to be rehabilitated or renovated. The amount of density increase shall be calculated as follows:

a. For every 500 square feet of gross floor space in noncertified buildings and structures to be rehabilitated or renovated, one additional housing unit may be permitted up to the maximum permitted under this section.

b. For every 250 square feet of gross floor space in certified buildings and structures to be rehabilitated or renovated, one additional housing unit may be permitted up to the maximum permitted under this section.

E. Senior village application requirements.

(1) Pre-application. The applicant is strongly encouraged to request a pre-application review at a regular business meeting of the Board. The purpose of a pre-application review is to minimize the applicant's costs of engineering and other technical experts, and to commence negotiations with the Board and/or its technical experts, and set a timetable for submittal of a formal application. Preliminary submission is very strongly encouraged by the Town of Franklin as a way of helping applicants and officials develop a better understanding of the site and to help establish an overall design approach that respects the site's noteworthy features, while providing for the density permitted under the Senior Village Zoning Ordinance. In order to facilitate review of the proposed senior village at the pre-application stage, applicants shall submit a conceptual plan. A conceptual plan shall be submitted regardless of the applicant requesting a pre-application meeting.

(a) Conceptual plan. The submission requirements for a. conceptual plan shall consist of the following three elements, and shall be prepared in accordance with the drafting standards and plan requirements described herein:

(i) Site context plan. A plan - showing the location of the proposed development within its neighborhood context shall be submitted. For sites less than 100 acres in area, such plans shall be at a scale not less than 1 inch equals 200 feet and shall show the relationship of the subject property to natural and man-made features existing within 1,000 feet of the site. For sites of 100 acres or more, the scale shall be 1 inch equals 400 feet, and shall show the above relationships within 2,000 feet of the site. The features that shall be shown on site context plans include topography (from United States Geological Survey plans), stream valleys, wetland complexes, woodlands, high points, knolls, and ridge lines, public roads and trails, utility easements and rights-of-way, public land, and land protected under conservation easements or other methods of protection. All information may be obtained from existing resources.

(ii) Existing resources and site analysis plan. For all developments under this bylaw an existing resources and site analysis plan shall be prepared to provide the developer and the Town of Franklin with a comprehensive analysis of existing conditions, both on the proposed development site and within 500 feet of the site. This plan may be presented to the Department. of Community Planning and the Board as an informal preliminary step prior to the formal application process. All information. for off-site characteristics may be obtained from existing resources.

The Town of Franklin shall review the plan to assess its accuracy, conformance with town ordinances, and likely impact of the proposed development upon the natural and cultural resources on and abutting the property. Such plans shall generally be prepared at a scale that would best fit on a single standard size sheet (24 inches by 36 inches). The following information shall be included in this plan:

- a. A vertical aerial photograph enlarged to a scale not less detailed than 1 inch equals 400 feet, with site boundaries clearly marked;
- b. Topography, the contour lines of which shall generally be at two-foot intervals, (although ten-foot intervals are permissible beyond the parcel boundaries, interpolated from USGS maps). Slopes between 15% and 25% and exceeding 25% shall be clearly indicated;
- c. The location and delineation of rivers, lakes, ponds, streams, ditches, drains, vernal pools, and natural drainage swales, as well as the one-hundred-year floodplains and wetlands;
- d. Vegetative cover conditions on the property according to general cover type including cultivated land, meadow, pasture, woodland, and wetland; trees with a diameter at breast height (DBH) in excess of 15 inches, the actual canopy line of existing trees and woodlands. Vegetative types shall lie described by plant community, relative age, and condition;
- e. Soil series, types, and phases, as prepared by the U.S. Department of Agriculture, Natural Resources Conservation Service, in the published soil survey for the county, and accompanying data published for each soil relating to its suitability for construction (and, in unsewered areas, for septic suitability);
- f. Ridge lines and watershed boundaries;
- g. A viewshed analysis showing the location and extent of views into the property from public roads and from public lands;
- h. Geologic formations on the property, including rock outcroppings, cliffs, and sinkholes;
- i. All existing man-made features including, but not limited to: roads, driveways, rail lines, trails, buildings, foundations, walls, wells, drainage fields, dumps, utilities, fire hydrants, and storm and sanitary sewers;
- j. Locations of all historically significant sites or structures on the property, including but not limited to cellar holes, stone walls, earthworks, and graves;

k. All easements and other encumbrances of property which are or have been filed of record with the Registry of Deeds;

(iii) Four-step design process. All conceptual plans shall include documentation of the four-step design process outlined below, conducted by a professional landscape architect, in determining the layout of proposed open space, building sites, streets, and pedestrianways.

Step 1: Identification of open space lands

1) The minimum percentage and acreage of required open space shall be calculated by the applicant and submitted as part of the conceptual plan in accordance with the provisions of- this bylaw. Primary open space lands (such as wetlands, riverfront areas, and floodplains) shall be identified and secondary open space lands (including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats, and cultural features, such as historic and archeological sites and scenic views) shall be identified and delineated.

2) Potentially developable lands shall be identified and delineated. To the maximum extent possible, the potentially developable lands shall consist of land outside identified primary and secondary open space areas.

Step 2: Location of building sites. Appropriate building sites shall be located within the potentially developable land area and shall include the identification of yards, and shared amenities, so as to reflect an integrated community.

Step 3: Location of streets and pedestrianways. Streets shall be aligned to access the buildings. New trails and pedestrian links shall be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, and trails.

Step 4: Location of lot lines. If applicable, lot lines shall be drawn.

(b) Site visit. Applicants are strongly encouraged to request a site visit by the Board and/or its agents in order to facilitate pre-application review of the senior village.

(2) Application. The submission requirements for a special permit under this bylaw shall consist of the requirements of 185-31(1), Site plan review, 185-31(2), Design review, 185-45(E), Special permits, as well as a conceptual plan described herein, a plan for management of open space, and shall also include a brief written description of the proposed project including: detailed density calculations; evidence of compliance with all requirements and standards contained within this section; description of any proposed construction or demolition; all proposed uses; who the project is intended to serve; expected number of employees, and/or occupants; hours of operation; and any other information that the applicant feels would describe the intent and purpose of the proposed project.

The senior village application shall be accompanied by a certification from the Historical Commission, or historic consultant approved by the Board, of all historically and/or architecturally significant buildings, landscape features and supporting structures located on site.

F. Senior village standards.

(1) Senior village open space standards. The following standards shall apply to senior village open space land area:

(a) The following shall not be counted as part of the required senior village open space: community buildings or other buildings housing common facilities, median strips, landscaped areas within parking lots, constructed stormwater management facilities including retention basins, lawn/landscaped areas on individual home site lots or private residential yards.

(b) A minimum of 40% of the required senior village open space shall be suitable for use for passive and/or active recreational purposes.

(c) The percentage of open space that is wetland resource areas as defined and regulated pursuant to the Massachusetts Wetlands Protection Act (MGL c. 131A) shall not normally exceed the percentage of the tract that is wetlands; provided, however, that the applicant may include a greater percentage of wetlands in such open space upon a determination that such inclusion promotes the purposes of this bylaw and upon the written recommendation of the Conservation Commission.

(d) Unless otherwise approved by the Board in its special permit decision, open space shall be maintained in its pre-development, open state. Maintaining such land in its pre-development, open state shall mean that the land shall remain in its natural state without the removal or disturbance of trees, vegetation or earth. Neither temporary, site access nor temporary structures shall be permitted on reserved open space, nor shall open space be used as staging areas during construction.

(e) The required senior village open space shall be contiguous, unless the Board finds that it is not practical for all the open space to be contiguous due to the particular shape or topography of the senior village site or, for the same reasons, that it is advantageous to allow separated open space areas in order to best protect natural features of the site. Portions of the senior village open space may also consist of village greens, commons, or passive parks.

(f) The senior village plan should take into account any Town of Franklin or other public agency plans for preservation or improvements to public open space adjacent to the senior village site, so as to provide potential for linkage and access to said adjacent public open space. As a condition of issuance of the special permit for a senior village, the Board may require the senior village applicant to provide paths, walkways, or other appropriate physical connections to adjacent open spaces or public lands.

(2) Ownership of open space.

(a) At the developer's option and subject to approval by the Board, all areas to be protected as open space shall be:

(i) Conveyed to the Town to be placed under the care, custody and control of the Conservation Commission, and be accepted by it for a park or open space use. Land conveyed to the Town should be open for public use; and/or

(ii) Conveyed to a non-profit organization, the principal purpose of which is the conservation or preservation of open space, with a conservation restriction as specified in Subsection F(2)(b) below. Such organization shall be acceptable to the Board as a bona fide conservation organization; and/or

(iii) Conveyed to a corporation or trust owned or to be owned by the owners of lots or residential units within the development (i.e. homeowners association) and placed under conservation restriction as specified in Subsection F(2)(b). If such a corporation or trust is utilized, as indicated herein, ownership thereof shall pass with conveyance of the lots or residential units. The developer is responsible for the maintenance of the open space and other facilities to be held in common until such time as the homeowners association is capable of assuming such responsibility. Thereafter, the members of the association shall share the cost of maintaining the open space. The Planning Board shall require the applicant to provide documentation that the homeowner's association is an automatic (mandatory) association that has been created prior to the issuance of any building permit.

(b) Permanent restriction. In any case where open space is not conveyed to the Town, a permanent conservation or agricultural preservation restriction in accordance with MGL c. 184 31, approved by the Board and Town Council and enforceable by the Town, conforming to the standards of the Massachusetts Executive Office of Environmental Affairs, Division of Conservation Services, shall be recorded to ensure that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking or roadways except as permitted by this bylaw and approved by the Board. Restrictions shall provide for periodic inspection of the open space by the Town. Such restriction shall be submitted to the Board prior to approval of the special permit and recorded at the Registry of Deeds/Land Court. A management plan may be required by the Board which describes how existing woods, fields, meadows or other natural areas shall be maintained in accordance with good conservation practices. Unless otherwise permitted by the Board, all open space shall be open for public use.

(c) Encumbrances. All areas to be set aside as open space shall be conveyed free of any mortgage interest; security interest, liens or other encumbrances.

(d) Maintenance of open space.

(i) In any case where open space is not conveyed to the Town, the Town shall be granted an easement over such land sufficient to ensure its perpetual maintenance as conservation or recreation land. Such easement shall provide that in the event the trust or other owner fails to maintain the open space in reasonable condition, the Town may, after notice to the lot owners and public hearing, enter upon such land to maintain it in order to prevent or abate a nuisance. The cost of such maintenance by the Town shall be assessed against the properties within the development and/or to the owner of the open space. The Town may file a lien against the lot or lots to ensure payment of such maintenance expenses.

(ii) The applicant shall, at the time of application, provide a plan for management of open space in accordance with the following requirements:

a. The plan shall define ownership.

b. The plan shall establish necessary, regular, and periodic operation and maintenance responsibilities for the various types of open space (i.e., forest, meadow, playing field, crop land, etc.).

c. The plan shall establish staffing needs, insurance requirements, and associated costs, and define the means for funding the management of the senior village open space in perpetuity.

d. The owner/applicant shall be required to establish a management fund to ensure the long-term management of the open space. The nature and amount of said fund shall be fair and reasonable and be approved by the Board.

e. A draft plan shall be submitted to the Conservation Commission for comment and approval and the final plan shall be submitted to the Board at the time of application.

f. Any changes in the management plan shall be approved by the Conservation Commission and the Board.

(e) Monumentation. Where the boundaries of the open space are not readily observable in the field, the Board may require placement of surveyed bounds sufficient to identify the location of the open space.

(3) Senior village site development standards. The following site development standards shall apply to all senior village developments:

(a) Dimensional standards.

(i) The lot or combination of more than one contiguous lot upon which a senior village is located shall meet the minimum lot dimensions found in the Schedule of Lot, Area, Frontage, Yard, and Height Requirements for the underlying Zoning District. The Board may waive these requirements if the Board finds that such reduction will result in better design, improved protection of natural and scenic resources, and will otherwise comply with this bylaw.

(ii) Each building in the senior village shall have a minimum front yard of no less than 20 feet from the edge of the paved way to the closest point of the

structure, and a side yard of not less than 10 feet from the edge of the paved way to the closest point of the structure. The Board may waive these requirements if the Board finds that such reduction will result in better design, improved protection of natural and scenic resources, and will otherwise comply with this bylaw.

(iii) Each building in the senior village shall be set back a minimum of 50 feet from the senior village's perimeter lot line(s). This minimum setback shall be increased by five feet for each foot the proposed building is over 30 feet in height. The maximum height of any structure in a senior village shall be no greater than 35 feet. The setback area shall be maintained as natural open space or as a densely planted landscaped buffer. The Board may waive these requirements if the Board finds that such reduction will result in better design, improved protection of natural and scenic resources, and will otherwise comply with this bylaw.

(iv) There shall be no minimum standards for internal lot line setbacks within the senior village, unless required by the Board in its issuance of a special permit based on specific findings that there is need for greater physical separation of specific buildings or uses.

(v) In a senior village residential subdivision, each home site lot shall be a minimum of 6,000 square feet in area. Construction within a senior village residential subdivision shall comply with the Town of Franklin Subdivision Rules and Regulations. Where the requirements of this section differ from or conflict with the requirements in the Town of Franklin Subdivision Rules and Regulations, in the opinion of the Board, the requirements of this section shall prevail.

(b) Design and construction standards.

(i) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainageways shall be treated as fixed determinants of road and building configuration rather than as malleable elements that can be changed to follow a preferred development scheme.

(ii) Streets, parking areas, and building sites shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks and natural systems, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel(s).

(iii) The removal or disturbance of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practical, whether these exist on the site or on adjacent properties.

(iv) The Board shall encourage the use of soft (nonstructural) natural stormwater management techniques (such as vegetated swales, constructed wetlands) and other drainage techniques that reduce impervious surface and enable infiltration where appropriate. Low-impact development practices as described in the National Low Impact Development Guidebook shall be utilized to the greatest extent possible.

(c) Parking standards.

(i) Within the senior village, a maximum of two off-street parking spaces shall be permitted for each dwelling unit. The parking space(s) shall be provided on the same lot as the dwelling(s) or on a contiguous lot (within the senior village), provided that there are easements ensuring rights of access, use, and maintenance. The Board may, as a condition of granting a special permit for the senior village, require additional off-street parking areas be provided for use in common by dwelling unit owners, employees of the facility, and guests. Minimum parking requirements found in 185-21B shall not apply to senior village proposals. No parking facility within a senior village shall contain more than 50 parking spaces. All off-street parking shall be sited to the side or rear of buildings and shall minimize visibility from public and private streets.

(ii) Parking areas shall be oriented for pedestrian traffic through the use of raised crosswalks, usable landscaped islands, benches, and abundant shade trees among other design attributes. Parking facilities shall be adequately buffered and shaded using native vegetation. Parking lots containing three or more spaces shall be planted with at least two trees per three spaces, each tree being surrounded by no less than 20 square feet of permeable, unpaved, landscaped area and each tree providing shade to the parking area. Only trees providing shade to the parking area shall be counted as meeting this requirement. Shade trees shall be at least 2.5 inches in diameter at breast height when planted. Species shall be selected from the list of approved street trees as published by the Town of Franklin Tree Warden.

(iii) A minimum of one on- or off-street parking space shall be required for each 400 square feet of gross building area occupied by a permitted accessory retail or restaurant use. The Board may reduce this requirement if the nature and design of a particular senior village indicates that parking demand will be lower due to enhanced pedestrian access or a reduced reliance on motor vehicle travel within the senior village. The required parking space(s) shall be provided on the same lot as the permitted use or on a continuous lot (within the senior village), provided that there are easements ensuring rights of access, use, and maintenance. The Board may, as a condition of granting a special permit for the senior village, require additional off-street parking areas to be provided for accessory uses within the senior village.

(d) Landscaping, shade trees and infrastructure.

(i) All roadways and driveways serving more than one dwelling shall be a maximum paved width of 22 feet. Sidewalks or appropriate alternatives (on-street bike or walkways) shall be provided.

(ii) All roadways, driveways, and parking areas within the senior village shall be maintained by the applicant, developer of the senior village, its assigns, or owners or their agents in perpetuity. Deed restrictions and/or covenants to this effect shall be presented to the Board prior to the issuance of any building permits for the senior village.

(iii) Landscape design shall give preference to the maintenance of existing healthy trees and groundcover. Landscape design shall give preference to indigenous species and shall enhance the wildlife habitat value of the site. The development of large lawn areas shall be minimized.

(iv) Street trees shall be planted on each side of public and private ways. Street trees shall be at least 2.5 inches in diameter at breast height when planted, and shall be spaced at intervals no greater than 20 feet along both sides of the street(s). Species shall be selected from the list of approved street trees as published by the Town of Franklin Tree Warden.

(v) All utilities shall be underground.

(vi) No mobile homes or trailers shall be allowed to be used as dwelling units in the senior village.

(vii) Solid waste storage, air conditioners, loading areas and the like shall be shielded from view by walls, dense vegetation, or fences.

(viii) All solid waste removal, snow plowing, and other maintenance within the senior village shall be the responsibility of the residents, owners or their agents in perpetuity, and they shall bear all expenses related hereto. Deed restrictions and/or covenants to this effect shall be presented to the Board prior to the issuance of any building permits for the senior village.

G. Review criteria and compliance.

(1) Planning Board findings for senior village special permit. In addition to applying the general special permit criteria as set forth in 185-45E(3), the Board shall review the senior village special permit application in accordance with the following criterion:

(a) That the senior village is designed in a comprehensive, landscape sensitive manner, according to the process outlined in the conceptual plan.

(b) That the senior village is consistent with all senior village open space standards, senior village development standards, affordable unit restrictions, and all applicable standards and requirements set forth in this bylaw.

(c) That the proposed senior village will, by its design and layout, succeed in (a) preserving open space for conservation and/or recreation purposes, and providing appropriate public access to the open space; (b) protecting natural and cultural features of the site which are important to the character and health of the Town; and (c) creating a true village setting with a pedestrian orientation and character consistent with the historic development patterns of the Town of Franklin.

(2) Compliance.

(a) Permit conditions.

(i) Depending on the nature of the particular senior village and its uses, the Board may, as a condition, of any special permit for a senior village, require that the land area on which the senior village is located be permanently maintained as one undivided lot and that, from and after the date of the issuance of the building permit for said senior village or any portion thereof, no subdivision of said lot shall be allowed without the express approval of the Board. However, the recording of a condominium master deed and the conveyance of condominium units within the area covered by said deed shall be allowed.

(ii) No special permit shall be issued without appropriate restrictions to, ensure that the provisions of this section are made binding upon the applicant and his successors and . heirs.

(iii) No special permit shall be issued without the Franklin Housing Authority being authorized as the agency responsible for monitoring the affordable housing component of the proposal.

(b) Occupancy conditions.

(i) No certificate of occupancy, temporary or permanent, shall be issued for any unit in a senior village until all deed restrictions, covenants, easements, transactions, and/or other documents necessary to ensure compliance by the applicant with the requirements of this section have been submitted and executed."

INDEPENDENT LIVING RESIDENCE FACILITY - A facility that provides residential accommodations for senior adults who are in good health and do not require medical or skilled nursing care. Residents shall have individual dwelling units with living, sleeping, bathroom, and kitchen facilities. The independent living residence facility may include a senior village community center or community building(s), or similar common areas such as a common dining facility, and space for the provision of social, psychological; and educational programs. The facility may provide home health care or other community-based services on an individual basis and offer meals, linen; and housekeeping services. The independent living residence facility may provide residence for a superintendent or for maintenance staff, but there shall be no on-site residence of medical or other staff. [Added 5-2-2001 by Bylaw Amendment 01-461]

SENIOR VILLAGE PLANNED UNIT DEVELOPMENT (SENIOR VILLAGE) - A master-planned development of land as a unified, self-contained, residential community, constructed expressly for use, and residency by persons who have achieved a minimum age requirement for residency of 55 years

or older; in accordance with MGL c. 151B, 4, Subsection 6, and also incorporating the preservation of natural open space areas as an integral element of the development. A senior village shall be permitted only within a Senior Village Overlay District and only upon the granting of a special permit by the Planning Board. [Added 5-2-2001 by Bylaw Amendment 01-461]

Freetown *Does zoning include any provisions for housing that is restricted by age?*

No

Georgetow *Does zoning include any provisions for housing that is restricted by age?*

Yes Independent Senior Housing (ISH) is permitted in the Independent Senior Housing Overlay district by Special Permit with Site Plan approval from the Planning Board.

Georgetown Zoning Bylaw, Chapter 165, last revised 2002

ARTICLE XVII Independent Senior Housing
(Added STM 10/23/2000; Approved by AG 1/25/2001)

Section 165-100 Definitions:

The Following Definitions apply only to terms used in this ARTICLE XVII.

DWELLING UNIT - A living area of two or more rooms designed to be occupied by one or more senior individuals as private living quarters.

INDEPENDENT SENIOR HOUSING (ISH) - A dwelling building, with each dwelling unit restricted to occupancy by households with all resident members fifty-five years of age or older.

RESIDENT - A person occupying a dwelling for 45 days or more in a year or fewer as defined by the organizations set up by each Independent Senior Housing Development.

OBJECTIVES OF INDEPENDENT SENIOR HOUSING - The objectives of establishing Independent Senior Housing are to provide alternative housing for a maturing population; to provide a type of housing which reduces resident burden of property maintenance and which reduces demands on municipal services; to promote flexibility in land use planning in order to improve site layouts, protection of natural features and environmental values; and to provide for the utilization of larger tracts of developable land in harmony with neighboring properties.

Section 165-101 INDEPENDENT SENIOR HOUSING (ISH)

Independent Senior Housing (ISH) is permitted in the Independent Senior Housing Overlay district by Special Permit with Site Plan approval from the Planning Board, subject to the following requirements:

Section 165-102 ESTABLISHMENT

The Independent Senior Housing Overlay district (ISH Overlay District) is hereby established.

Section 165-103 LOCATION

The ISH Overlay District encompasses the Residential A, Residential B and Residential C Zoning Districts as described in 165-2 and 165-3 of the Code of the Town of Georgetown. Zone 1 & 2 (areas around town wells).

Section 165-104 AGE AND OCCUPANCY RESTRICTION

Residency is limited to households having all resident members 55 years or older. One dwelling unit in the ISH development may be occupied by a household not having members fifty-five years of age or older, if one or more household members is employed as building manager for the ISH development.

Section 165-105 MINIMUM LOT AREA

The Minimum lot area required for establishment of ISH shall be a minimum of five (5) acres except for state-aided or federally-aided ISH which shall be subject to existing zoning requirements. Minimum lot requirements in Chapter 165 regarding intensity of use in zone RA for multi-family units shall be reduced to 5,000 square feet per units.

Section 165-106 MAXIMUM NUMBER OF DWELLING UNITS PER CONTINUOUS BUILDABLE AREA (CBA): 4 per acre.

Section 165-107 MAXIMUM NUMBER OF DWELLING UNITS PER DWELLING BUILDING: 3

Section 165-108 MAXIMUM NUMBER OF BEDROOMS PER DWELLING BUILDING - 6 (six) Exception: In the district zoned RA the maximum shall be 3 (three).

Section 165-109 MAXIMUM NUMBER OF BEDROOMS PER DWELLING UNIT - 2 (Two) Exception: In the district zoned RA the maximum shall be 1 (one)

Section 165-110 PARKING REQUIREMENTS

Two parking spaces shall be provided for each dwelling unit, (with the exception of one bedroom units which will require one parking space per unit), in reasonable proximity to the dwelling. Additional parking in proximity to any additional facilities serving residents in common or guest parking shall contain no more than twelve (12) parking spaces, and all such areas shall be adequately landscaped.

Section 165-111 DIMENSIONAL REQUIREMENTS

(minimum distances) shall be subject to review by the SPGA but shall not be less than as set forth in the district's current zoning requirements.

Section 165-112 MAXIMUM NUMBER DWELLING UNITS PER ISH DEVELOPMENT -

Not more than twenty-five (25) in all districts with the exception of RA where the maximum shall be twelve (12). The SPGA may approve the construction of more than twenty-five units if the applicant designates at least twenty (20%) percent of the total number of units for use as affordable housing dwelling units as defined in Section 165-71, provided that such affordable dwelling units shall also be restricted to occupancy by households having all resident members fifty-five (55) years or older. First priority for occupancy in such affordable units shall be given to Georgetown residents or their immediate relatives and former Georgetown residents by a process agreed to and documented as part of the Special Permit. The applicant must also provide additional open space in an amount to be determined by the SPGA. The SPGA must make a finding that the construction of additional units will not be detrimental to the neighborhood.

Section 165-113 ALLOWABLE LOT COVERAGE

- Not more than 35% (thirty-five percent) however an additional 5% (five percent) may be allowed for amenities such as tennis courts, pools, community meeting hall.

Section 165-114 MAXIMUM NUMBER OF DWELLING UNITS ALLOWED TOWN WIDE -

Not more than ten percent (10%) of the total number of single family units existing town wide at the beginning of the year in which the application is filed.

Section 165-115 ROAD DESIGN, DRAINAGE AND MAINTENANCE

Section 165-116 PROJECT MAINTENANCE

Section 165-117 TRAFFIC

Section 165-118 LIGHTING

Section 165-119 UNDERGROUND UTILITIES

Section 165-120 SITE SIZE AND SHAPE

- The entire site shall be of a size and shape and the site plan shall be designed to provide an ISH development, which in the opinion of the Planning Board, is in harmony with the natural terrain and other features of the site and which will preserve significant natural and historic characteristics of the site and the character of the surrounding neighborhoods.

Section 165-121 STYLE AND DESIGN

- Dwelling buildings and accessory buildings shall be consistent and complimentary in exterior style and design with surrounding residential neighborhoods. Accessory buildings and structures including clubhouse, swimming pool, tennis courts, cabanas, storage and maintenance structures, garages and other customary accessory structures shall be shown on the site plan.

Section 165-122 LANDSCAPING

Section 165-123 OPEN SPACE

- At least thirty-five percent (35%) of the total lot area shall be upland open space and shall be set aside as common land. This common land may be used for walking/jogging trails, arboretum uses, park benches, gazebos and similarly typical passive enjoyment. The open space shall be owned in common by the owners of the dwelling units in the ISH, or by an organization or entity owned and controlled by such dwelling unit owners or can be offered to the Town, or another non-profit organization whose principle purpose is the preservation of open space, for conservation purposes. An enforceable restriction shall be recorded on all open space parcels providing that such land shall be kept open or natural in state and not be built on for residential use or development for accessory uses such as parking or active recreation.

Section 165-124 SECURITY AND FIRE PROTECTION

Section 165-125 CHARGES AND USES BY OUTSIDE INTERESTS

Section 165-126 ADDITIONAL SUBDIVISION

- No site on a plan for which approval is granted under this section may be subdivided so as to create additional buildable lots and a notation to this effect shall be shown on the plan.

Section 165-127 CONVERSION

- ISH dwellings constructed under this section shall not be eligible for conversion to conventional apartments or be used for other than independent senior citizen housing.

Section 165-128 ELIGIBILITY TO AFFORD

(1) Continuing affordability shall be assured for at least forty (40) years through means enforceable by the town,

(2) "Affordable" shall mean having a house for rent, excluding utilities, not exceeding thirty percent (30%) of income or having a purchase price affordable at that income under the pricing prevailing underwriting guidelines, given not more than a five-percent down payment.

Section 165-129 EXEMPTION TO RATE OF DEVELOPMENT ZONING BYLAW, CHAPTER 165, ARTICLE III

- ISH developments shall not be subject to the provisions of Chapter 165, ARTICLE III, Rate of Development Bylaw of the Code of the Town of Georgetown.

Section 165-130 Reserved.

Section 165-131 SPECIAL PERMIT

- Independent Senior Housing shall be allowed by Special Permit with Site Plan approval by the Planning Board (SPGA) which shall follow the procedural requirements for special permits as set forth in MGL Chapter 40A, SECTION 9. The Special Permit shall lapse within six months from its approval if substantial use or construction has not commenced by such date except for good cause shown by the applicant. And provided further that such construction once begun shall be actively and continuously pursued to completion based upon the proposed schedule submitted with the application.

Section 165-132 APPLICATION

- Any person having a legal interest in the subject land may submit to the Planning Board an application for a Special Permit within the ISH District subject to the provisions of this article. Information required for submission of a definitive subdivision plan required by Planning Board Regulations (Chapter 365), Special Permits (MGL Chapter 40A, Section 9) and Site Plan review (Chapter 165, Article XIII) and all other provisions, contained in this ARTICLE XVII will generally satisfy the application requirements.

Section 165-133 CRITERIA FOR SPGA REVIEW AND APPROVAL

- Must comply with all substantive requirements of this article. (Sections 103-123) Site Plan approval criteria of Chapter 165, Article VIII. Compliance with applicable federal, state and local environmental permits and standards.

Section 165-134 SPGA APPROVAL OR DISAPPROVAL

- The findings, including the basis of such findings of the Planning Board shall be stated in the written decision of approval, conditional approval, or denial of the Special Permit application and shall require a 4/5 majority for approval or conditional approval. The Planning Board may impose in addition to any applicable conditions specified in this bylaw, other conditions as it finds reasonably appropriate, to safeguard the neighborhood or otherwise implement the intent of this bylaw

Gloucester

Does zoning include any provisions for housing that is restricted by age?

Yes

City of Gloucester Zoning Ordinance (Adopted 1950, Amended 2002)

5.6 HOUSING FOR THE ELDERLY

On Special Permit from the City Council, the requirements of this Ordinance may be reduced as follows for multi-family dwellings in which two-thirds or more of the units are reserved through contract, covenant or other binding legal device for occupancy by persons 62 years or older, and where construction provides features specifically designed for the elderly, including all public areas and entrances and at least 5% of all units designed to accommodate wheel chairs and provision of special function rooms such as clinics or social rooms. Reductions shall apply only to units having two or fewer bedrooms, equipped with bathtub and toilet grab bars, emergency signals, out-swinging doors and other features for the elderly.

5.6.1 Parking requirements per elderly dwelling unit may be reduced to not less than one-third that otherwise required by Section 4.1.

5.6.2 Required lot area and open space shall be reduced to (1-.65 E/T) times that required by Section 3.2, where E is the number of dwelling units reserved and equipped for the elderly and T the number of dwelling units.

Grafton

Does zoning include any provisions for housing that is restricted by age?

No

Groton

Does zoning include any provisions for housing that is restricted by age?

Yes

Town of Groton Zoning Bylaw, Chapter 218 (Adopted and Amended 1987)

Subsidized Elderly housing is allowed by special permit (by Board of Appeals) in districts R-A, R-B, and B-1 (regular zoning districts).

For subsidized elderly housing, the number of dwelling units shall not exceed one unit per 5,000 square feet of lot area. However, depending on proximity to protected open space, natural visual or acoustic screening and topography, the Board of Appeals may authorize additional units up to a maximum of one unit per 3,000 square feet of lot area. Not more than 12 dwelling units in a single structure.

~ 218-4. Definitions.

SUBSIDIZED ELDERLY HOUSING -- Housing in which 50% of the dwelling units are subsidized under any program or plan that will result in the development of low- or moderate-income housing, such housing which the Groton Housing Authority certifies carries restrictions to limit the eligibility of the occupants and sale price, if applicable to within guidelines as defined in applicable federal or state statute, whether built or operated by any public agency or any nonprofit or limited dividend organization with occupancy reserved to persons 55 years of age or older. [Amended 1-13-1988 STM, Art. 29]

~ 218-27. Multifamily use.

B. Subsidized elderly housing.

(1) Within any district where special permits for subsidized elderly housing are authorized (see ~ 218-13), the Board of Appeals may grant a special permit for construction and occupancy of subsidized elderly housing having not more than 12 dwelling units in a single structure. It is intended that elderly housing shall, wherever possible, be located within close proximity to town services such as shopping, post office, etc., shall serve an identified housing need and shall increase the range of available housing choices for Groton residents.

(2) Number of units. For subsidized elderly housing, the number of dwelling units shall not exceed one unit per 5,000 square feet of lot area. However, depending on proximity to protected open space, natural visual or acoustic screening and topography, the Board of Appeals may authorize additional units up to a maximum of one unit per 3,000 square feet of lot area.

(3) Minimum setbacks for subsidized elderly housing shall be set by the Board of Appeals to be in relation with the average setbacks of structures on abutting properties and character of the neighborhood in which such housing is to be constructed. In general, setbacks shall be kept free of structures and paving and be maintained with vegetation to provide screening and shade, except for necessary access drives.

(4) Design.

(a) Design of exterior building walls shall minimize departure from single-family residential scale. Parking areas shall not contain more than 12 spaces each.

(b) Outdoor lighting fixtures shall be the cutoff type, mounted no higher than 15 feet, oriented and shielded to avoid glare on adjoining premises.

(c) To avoid traffic concern, any egress shall have at least 300 feet of visibility in each direction along stanumbered roads and at least 200 feet of visibility along other roads.

(d) Where sidewalks exist on any abutting street, connecting sidewalks shall be provided within the development.

(e) A minimum of one off-street parking space per dwelling unit shall be provided, rather than the number required under ~ 218-23.

(f) The design of building form, building location, egress points, grading and other elements of the development shall:

[1] Protect pedestrian safety within the site and egressing from it. [2] Minimize visual intrusion of parking area as viewed from public ways or abutting premises. [3] Minimize the volume of earth cut and fill, in general with no cut or fill greater than 5 feet. [4] Minimize the number of removed trees 12 inches in diameter or larger. [5] Control soil erosion, according to United States Department of Agriculture.

[6] Avoid more than a ten-percent increase in peak-hour stormwater flow from the site for a one-year storm, no increase in storms of ten-year to one-hundred-year intensity. [7] Control headlight glare.

(5) Subsidized elderly housing shall be subject to the granting of a special permit by the Zoning Board of Appeals based on the following criteria:

(a) Effect on the range of available housing choice for residents 55 years of age and older.

(b) Service to identified housing needs of this population.

(c) Service to current Groton residents.

(d) Impact on the natural environment, especially on ground- and surface water quality and level, both for the proposed development and its environs and for the town as a whole.

(e) Impact on traffic safety and congestion, adequacy of water service for the development, as well as proximity to existing services for the residents.

(f) Visual consistency with existing development in the area.

(g) Maintenance of the integrity of the neighborhood.

Groveland

Does zoning include any provisions for housing that is restricted by age?

Yes

SECTION 500 CONSERVATION SUBDIVISION DESIGN BYLAW (CSD)
XII. INCREASE IN PERMISSIBLE DENSITY

The Planning Board may award a density bonus to increase the number of dwelling units beyond the Basic Maximum Number. The density bonus for the CSD shall not, in the aggregate, exceed thirty percent (30%) of the Basic Maximum Number. Computations shall be rounded to the lowest number. A density bonus may be awarded in the following circumstances:

1. For each additional ten percent (10%) of the site (over and above the required 50%) set aside as open space, a bonus of five percent (5%) of the Basic Maximum Number may be awarded; provided, however, that this density bonus shall not exceed ten percent (10%) of the Basic Maximum Number.
2. For every two (2) dwelling units permanently restricted to occupancy by persons over the age of fifty-five, by a recorded restriction enforceable by the Town, one (1) dwelling unit may be added as a density bonus; provided, however, that this density bonus shall not exceed 10% of the Basic Maximum Number.
3. For every two (2) dwelling units permanently restricted to occupancy by persons or families who qualify as low or moderate income, as those terms are defined for the area by the Commonwealth's Department of Housing and Community Development, by a recorded restriction enforceable by the Town, one (1) dwelling unit may be added as a density bonus; provided, however, that this density bonus shall not exceed 10% of the Basic Maximum Number.

**Webmasters Note: The previous Section has been amended as per an update approved at a town meeting held on 4/29/02.

Halifax

Does zoning include any provisions for housing that is restricted by age?

No

Hamilton

Does zoning include any provisions for housing that is restricted by age?

Yes

Growth and Change: Hamilton, Massachusetts
Master Plan Phase 1 Report
Produced for the Hamilton Citizens Action Planning Committee
July 2002

Community Opportunities Group, Inc.
Boston Massachusetts

The 2002 Master Plan, however, reports this zoning use has not been very effective in Hamilton. "Much like flexible plan subdivision, the Elder Housing District in Hamilton's bylaw has noble intentions but is unlikely to produce what the town hoped to achieve. Non-traditional zoning approaches such as the 'floating zone,' while attractive to local officials, are difficult to implement. Though common in many mid-western and mid-Atlantic states, the 'floating zone' and related techniques are not standard practice in Massachusetts and may be of dubious legal standing under state law. Hamilton's elder housing bylaw exemplifies a well-constructed floating zone, however. . . . The Elder Housing District's weaknesses are not in the construction of the bylaw. Rather, they stem from an approval that is very high-risk from a developer's point of view, contains too many restrictions as to form of ownership, and imposes density and design requirements that may be unrealistic for the type of housing involved." (p. 43)

The Land Use Ordinance of Hamilton
ESSEX COUNTY, MASSACHUSETTS
ZONING BY-LAW
FIRST ADOPTED 1954 INCLUDING AMENDMENTS THROUGH OCTOBER, 2000
SECTION V. USE REGULATIONS

E. Elder Housing Special District (Added May 12, 1986)

The purpose of this section is to promote the development of housing designed to serve the housing needs of the present and past older citizens of Hamilton and Wenham, and the housing needs of the elder members of the immediate families of those Towns' present citizens. This shall be done in a planned and organized manner which will result in such housing being in harmony with the land and the Town and in furtherance of the intent of this

Zoning Bylaw. Consistent with this intent, the Planning Board may grant a Special Permit authorizing the development of residentially-zoned land which shall be excepted from frontage, yard, and area requirements as specified in Sec. VI, and shall also be excepted from requirements in Sec.VI.D.1 (parking) and Sec.VI.B.6. (street buffers), but shall meet and be subject to all other Zoning standards and to the conditions and standards contained herein. Said Special Permit shall be granted subject to subsequent creation by vote of Town Meeting of an Elder Housing Special District at the site of the proposed project. See Sec. II.A. of this Bylaw and M.G.L., Ch. 40 A. Sec. 5.

1. Standards

No Special Permit shall be granted under this Section unless the following standards are met:

- a. The Planning Board shall find that the proposed plan of development is in harmony with the purpose and intent of this bylaw and that it will promote the purpose of this Section.
- b. The area of the tract of land to be developed shall contain not less than five (5) acres, exclusive of the area of land lying in the Conservancy District and the area in wetlands subject to M.G.L., Ch. 131, Sec. 40, as mapped by the applicant's consultant and approved by the Hamilton Conservation Commission.
- c. The housing shall be owned and/or controlled by a non-profit organization, or by the Town, or by the Hamilton Housing Authority, or jointly by two or more of such organizations so far as permitted by law.
- d. For purposes of the above subsection c, a "non-profit organization" shall mean a corporation, foundation, or other organization no part of the net earnings of which inures to the benefit of any private shareholder or individual and which has been organized pursuant to M.G.L., Ch. 180, as amended.
- e. The number of dwelling units shall be not more than seven per developable acre as computed in item b. above, Provided however that the Planning Board may limit density to as few as one dwelling unit per developable acre.
- f. The site shall have at least one hundred (100) feet of frontage on an existing public or private way. The access road and sidewalks shall be located at least twenty (20) feet from any abutting property line and shall be buffered by landscaping that provides year-round screening of the road from the view of the abutters.
- g. The proposed plan shall provide that there shall be on the site or land associated therewith off-street parking containing at least five (5) parking spaces for each three (3) dwelling units contained in the residence buildings proposed to be built on the site.
- h. Driveways within each site, including those for ingress or egress, shall be thirty (30) feet in width, with twenty (20) feet paved for the use of vehicles and with two (2) sidewalks, each five (5) feet in width. Adequate lighting shall be provided for driveways, and both driveways and parking areas shall be suitably graded and provided and maintained with a permanent dust-free surface, adequate drainage and bumper guards where deemed necessary for safety. Off-street parking shall not be permitted between buildings and side lot lines.
- i. Not more than 25% of the proposed Elder Housing parcel shall be covered with impervious surfaces (buildings, paving).
- j. Each lot shall be of a size and shape as shall provide a building site which shall be in harmony with the natural terrain and other features of the site by preserving scenic natural vistas and/or the existing rural or other character of the neighborhood.
- k. Each dwelling unit shall be supplied with an adequate water supply system approved by the Board of Health and the Water department.
- l. Each dwelling unit must be served by an adequate sewage treatment facility or on-site sewage disposal system approved by the Board of Health.
- m. Each site shall be in compliance with applicable Town and State wetlands regulations.
- n. No lot on a plan for which a Special Permit is granted under this section may be subdivided so as to create additional lots and notation to that effect shall be shown on the plan.
- o. Dwelling constructed by Special Permit under this section shall not be eligible for subsequent conversion to apartments under Sections V.11.a or V.11.e.
- p. Buildings shall be designed to be consistent with the single family appearance of the Town and shall be complementary in exterior design with each other and, where applicable, with the existing neighborhood in which the development is located.
- q. Sufficient security must be provided to insure completion of the development and continuing compliance upon its completion with the provisions of the Special Permit.
- r. Utilities shall be installed underground.
- s. Signs in Elder Housing Districts shall conform with Sec. VI.E (signs) of this bylaw.

[...]

14. ELDER HOUSING shall mean multi-family dwellings which contain three or more independent dwelling units consisting of a suite of rooms, its own bath and toilet facilities and its own kitchen facility. Each such building may also include central kitchen and dining facilities for providing meals to the residents thereof and their guests but not to the public and may also provide lounge rooms for the common use of residents and their guests. In one of such buildings, a unit may be included for occupancy by the manager of the development and his or her immediate family, one room of which may be used for an office, and, except for the unit so used and occupied by the manager, no unit in the buildings of the Development shall be occupied by more than two (2) persons, one of whom must be a person who is sixty (60) years of age or over.

Hanover

Does zoning include any provisions for housing that is restricted by age?

Yes

With a special permit, a PRDS is allowed in the Residence A, Business, Commercial, Planned Shopping Center, Limited Industrial, Industrial, and Fireworks districts.

The Land Use Ordinance of Hanover (Town of)
PLYMOUTH COUNTY, MASSACHUSETTS
ZONING BY-LAW

SECTION 2 DEFINITIONS 2.000 Standard Interpretations

PLANNED RESIDENTIAL DEVELOPMENT FOR SENIORS : A unified, self contained, residential retirement community, constructed expressly for and specifically limited to use and residency by persons who are fifty five (55) years of age or older, and including one or more types of residential dwellings, undertaken in accordance with an overall plan, incorporating a consistent architectural concept and incorporating the preservation of natural areas within the development.

SECTION 5 GENERAL REGULATIONS FOR NEW CONSTRUCTION AND USES AND GENERAL PROVISIONS FOR ALL ZONING DISTRICTS

5.800 General Provisions

5.860 Housing for the Elderly and for Handicapped Persons. The use of land for Housing for the Elderly and for Handicapped persons in any of the aforementioned Districts by the Hanover Housing Authority or by the Hanover Legion Elderly Housing Corporation or by the Cushing Residence, Inc. shall be exempt from the provisions of this Zoning By-Law, except for provisions of Section 6.800, Water Resource Protection District, and Site Plan Approval by the Hanover Planning Board, acting as the Special Permit Granting Authority, under the provisions of Section 10 and the present restrictions as set forth in Section 7.100, provided such exemption is authorized by a two-thirds (2/3) majority vote of the Town at any Annual or Special Town Meeting.

-

A. The establishment of a Planned Residential Development for Seniors (PRDS) subject to all of the requirements, regulations, provisions, and procedures of subsections 1. through 7., below. Failure on the part of the applicant to comply with any of said requirements, regulations, provisions, and procedures may be cause for the denial of the project by the Planning Board.

1. Purpose: The purpose of a PRDS is to provide alternative housing for residents who are 55 years in age or older.

2. General Requirements:

a. Any PRDS shall contain a minimum area of not less than twenty (20) acres, of which at least ten (10) acres shall be exclusive of any and all Wetlands Resource Area or floodplains and any and all easements or covenants restricting in any way the use of said minimum area. (Amended ATM 5/1/00)

b. Included as a portion of the minimum area required above, any PRDS shall contain a minimum area of not less than five (5) acres to be dedicated as common open space. Said minimum area shall be exclusive of any and all wetlands Resource Area or floodplains and any and all easements or covenants which would restrict or prohibit the use of said minimum area as common open space. Said common open space shall be distinctly separate from land used for the construction or dwellings, shall be landscaped or left in a natural state, and shall be for the use and enjoyment of the residents of the PRDS. (Amended ATM 5/1/00)

c. Except for the Height Regulations of Section 7. 100, the PRDS shall not be subject to the Dimensional Regulations of Section 7, but shall be subject to the Area and Dimensional Regulations of Section 3., below.

d. Any PRDS shall contain a Community Center for the use, recreation, and enjoyment of the residents of the PRDS. Said facility shall be subject to the design requirements of Section 5., below, and shall be constructed and fully functional in accordance with the provisions of Section 6.f., below.

e. Any PRDS shall be serviced by a minimum of two (2) access roads or drives unless a divided access road or drive is approved by the Planning Board.

f. Any P.R.D.S. shall include adequate provisions for the disposal of septic waste. Said provisions shall be in compliance with the regulations of both the Department of Environmental Protection (314 CMR 2.00 through 7.00 and 310 CMR 15.00) and the Hanover Board of Health.

g. Recreational facilities and accessory structures, along with their associated uses, for the use of the residents of a PRDS shall be permitted but home occupations, the taking in of boarders, or the renting of rooms shall not be allowed nor permitted.

h. Any person who resides in a PRDS shall be fifty-five (55) years in age or older.

i. The maximum number of dwelling units in any specific PRDS shall not exceed four percent (4%) of the total number of dwelling units in the Town as shown on the records of the Board of Assessors for the year in which the application is filed.

j. On any parcel of land utilized for the development of a PRDS, no other uses, except for accessory uses, shall be allowed or permitted.

3. Area and Dimensional Regulations:

a. A PRDS shall have a minimum frontage of a distance not less than that required in the underlying zoning district. Said frontage shall be contiguous and uninterrupted for the required distance.

b. In addition to the minimum area requirements of Section 2.b., above, there shall be provided for each dwelling unit in a PRDS a minimum area of eleven thousand (11,000) square feet, said minimum area to be as follows:

(1.) A minimum area of eight thousand (8,000) square feet shall be reserved for the construction of said dwelling units and garages associated with said dwelling units and said area shall be in accordance with the provisions of Section 2.a., above, relative to wetlands Resource Areas, floodplains, easements and/or covenants. (Amended ATM 5/1/00)

(2.) A minimum area of three thousand (3,000) square feet shall be added to the minimum area required in Section 2.b., above and said area shall be in accordance with the provisions of that Section relative to wetlands Resource Areas, floodplains, easements and/or covenants.

c. The minimum area requirements of Sections 2.b and 3.b (1.) & (2), above, shall be exclusive of all paved surfaces such as roads, drives and parking areas.

d. Except for accessory structures, no structure containing dwelling units and no structure containing a Community Center shall be located closer than forty (40) feet to another such structure nor closer than seventy-five (75) feet to any property line.

e. A buffer area shall be provided around the entire perimeter of a PRDS in accordance with the following:

(1.) Said buffer area shall be continuous and shall be of a minimum width of not less than fifty (50) feet.

(2.) Said buffer area shall be landscaped in accordance with the provisions of Section 8 of this Zoning By-Law.

(3.) Access Roads or drives may be permitted within said buffer area provided that said buffer is maintained along any abutting lots. However, roads or drives internal to the PRDS shall not be so permitted.

4. Dwelling Unit Design Requirements:

a. Dwelling units in a PRDS may be comprised of either of the following:

(1.) All single family dwellings.

(2.) All duplex dwellings.

(3.) All town houses. A town house structure shall contain not more than ten (10) dwelling units per structure.

(4.) A mix of single family dwellings, duplex dwellings, and/or town houses containing not more than ten (10) dwelling units per structure provided that, if any PRDS is comprised of a mix of dwelling types, no one dwelling type shall constitute more than sixty percent (60%) nor less than thirty percent (30%) of the total number of dwelling units.

b. For the purposes of conserving the value of land and buildings, promoting the aesthetic qualities of the Town, and protecting residential neighborhoods from potential despoliation, all dwellings shall be constructed in accordance with the following:

(1.) All dwellings shall be of wood, lightweight metal or steel frame construction and shall be constructed on site.

(2.) No dwellings or dwelling units shall be of pre-fabricated, factory made, or modular construction, including, but not limited to, mobile homes, modular homes or manufactured homes.

c. Individual dwelling units shall contain not more than two (2) bedrooms per unit.

d. Each dwelling unit shall have two (2) exterior means of access and egress, as such are defined in the Massachusetts State Building Code, 780 CMR, and such exterior means of access and egress shall be separate from those of any other dwelling unit.

e. Each dwelling unit shall have, at a minimum, two (2) sides with full exterior exposure.

f. No floor of a dwelling unit, except for the floor of an unfinished basement, shall be located below the average finished grade of the land abutting said dwelling unit.

g. Each dwelling unit in a structure containing four (4) dwelling units or more shall be equipped with a fire protection residential sprinkler system approved by the Hanover Fire Department.

5. Other Design Requirements:

a. All buildings and structures shall be designed in an architectural style consistent with that of a rural suburban New England environment. Said architectural style shall be aesthetically pleasing and compatible with the surrounding neighborhood. Failure to comply with this provision may be cause for the denial of the project by the Planning Board.

b. The Community Center required in Section 2.d., above, shall be designed and constructed in such a fashion so as to provide, at a minimum, a gross floor area equivalent to one hundred (100) square feet for each dwelling unit in the PRDS.

c. All buildings, structures, open spaces, roads and drives, parking areas and other development features shall be designed and located in such a fashion so as to conform, to the greatest extent possible, to the existing natural terrain on the site.

d. All exterior lighting, whether placed along roads, drives, or walks, in parking areas, or on structures or other facilities, shall be arranged and shielded so as not to distract in an unreasonable manner the occupants of any dwelling(s) nor shine directly upon abutting properties and/or public ways. In no instance shall illumination upon the window surface of any dwelling exceed one-half (1/2) foot candle. All exterior lighting shall be of a mercury vapor type.

e. All access roads and drives and all interior roads and drives shall be designed and constructed in accordance with the provisions of the Planning Board Rules & Regulations Governing the Subdivision of Land unless specific provisions are waived by the Board.

f. The placement of structures so as to allow the maximum utilization of direct and passive solar energy shall be encouraged.

g. A minimum of one-half (1/2) of the area required for open space in Sections 2.b and 3.b (2), above, shall be left in, or allowed to return to, its natural state unless, in the opinion of the Planning Board, additional landscape measures are required.

h. All developed areas not covered by pavement, curbing, buildings and/or structures shall be landscaped with grass, shrubbery, trees, flowers and/or ground covers indigenous to the area. In addition, along the length of each exterior wall of every principal structure, there shall be an area landscaped with bushes, shrubbery and/or flowers indigenous to the area.

i. There shall be two (2) numbered parking spaces for each dwelling unit for the use of the occupants thereof. In addition, there shall be one parking space for each dwelling unit for visitors. All parking spaces shall be a minimum of ten (10) feet in width by twenty (20) feet in length and within reasonable proximity to the dwelling units which they serve. Numbered parking spaces may be located in garage facilities either attached to, or detached from, the principal structure(s).

j. All existing or proposed utilities and municipal services shall be installed underground at the time of initial construction.

k. Provisions shall be made for the storage, collection and removal of all solid waste. All necessary facilities shall be screened appropriately.

l. All dwellings, structures, and other facilities shall be designed, constructed, and maintained in accordance with the latest Massachusetts' standards for accessibility for the handicapped.

6. Special Provisions:

a. All access roads and drives, interior roads and drives, drainage systems, provision for underground utilities and municipal services, and other site improvements shall be shown on a plan prepared in accordance with the provisions of the Planning Board Rules and Regulations Governing the Subdivision of Land as said provisions relate to a Definitive Subdivision Plan.

b. All design requirements, all elements of the PRDS, all site improvements and all other amenities shall be shown on a Site Plan prepared in accordance with Section 10, Site Plan Approval, of this Zoning By-Law. Included on said Site Plan shall be all dwelling units, the Community Center and all of the elements required under Section 10.100, Site Plan Contents, of this Zoning By-Law, unless the inclusion of specific elements is waived by the Planning Board.

c. Architectural Plans showing elevations of all typical principal structures shall be prepared by a Registered Professional Architect. All structures shall be designed in a compatible architectural style consistent with that of a rural suburban New England environment. Architectural Plans, as well as the Site Plan required in Section 6.b., above, shall be submitted to the Hanover Design Review Board for review. Failure on the part of the applicant to comply with the recommendations of the Design Review Board may be cause for the denial of the project by the Planning Board. Said Architectural Plans shall also be submitted to the Planning Board.

d. During any calendar year, the maximum number of dwelling units that may be constructed in a PRDS shall not exceed one and one half percent (1-1/2%) of the total number of dwelling units in the Town as shown on the records of the Board of Assessors for the year during which the application is approved by the Planning Board.

e. Building permits may be issued for twenty percent (20%) of the dwelling unit in a PRDS prior to construction of the Community Center. However, no additional building permits shall be issued until construction of said community center has been completed to the satisfaction of the Planning Board.

f. The area of land required in Sections 2.b. and 3.b.(2.), above, to be dedicated as common open space shall be placed in the common ownership of all of the individual owners of the dwelling units in the PRDS. Said ownership and the use and maintenance of such common open space shall be determined by an agreement, duly executed in a form suitable for recording by the owner, or owners, of such common open space. Such agreement shall provide for the permanent retention of said common open space and shall provide that, in the event that the Planning Board shall grant a Special Permit hereunder, such permanent common open space shall be owned by the owner, or owned in common by the owners, of the dwelling units within the PRDS and such ownership shall run with the title to the dwelling units and shall not be separately alienable. The format and content of said agreement shall be reviewed by Town Counsel and shall be such as to be acceptable to the Planning Board.

g. In addition to the agreement required in Section 61, above, Covenants or Deed Restrictions, reviewable by Town Counsel and acceptable to the Planning Board, shall be prepared to ensure the following:

(1.) The dwelling units in the PRDS shall be occupied only by persons fifty-five (55) years of age or older except for guests visiting for short durations, not to exceed thirty (30) days in a calendar year.

(2.) That responsibility for the upkeep, maintenance, plowing and sanding of roads, drives, walks and parking areas within the PRDS shall fall to the owner, or owners, of the dwelling units in the PRDS.

(3.) That adequate provisions are in place to accomplish the collection and removal of solid waste and that the associated cost, as well as any costs associated with septic waste disposal, shall be borne by the owner, or owners, of the dwelling units in the PRDS.

h. Evidence, satisfactory to the Planning Board, that agreements, covenants and/or deed restrictions required by Sections 61 & g., above, have been recorded at the Registry of Deeds shall be submitted to the Board prior to the issuance of any occupancy permit by the Building Inspector. The Planning Board shall so notify the Building Inspector of satisfactory compliance with this provision and the Building Inspector shall not issue occupancy permits until so notified.

i. In addition to the information required in Section 6.b., above, the Site Plan shall include the following:

(1.) Total area of the parcel.

(2.) Total area of all wetlands Resource Areas, floodplains and land restricted by covenants or easements. (Amended ATM 5/1/00)

(3.) Total area to be reserved for the construction of dwelling units and the Community Center.

(4.) Total area to be dedicated as Common Open Space.

(5.) Total area to be devoted to paved surfaces to include roads, drives and parking areas.

j. The Planning Board shall require as a condition of approval and as a requisite for the granting of a Special Permit that, prior to the issuance of building permits, the construction of access ways and drives, the installation of municipal services, and the provisions for landscaping and other amenities shall be secured by a deposit of money or negotiable securities sufficient in the opinion of the Board to secure said performance.

7. Procedure:

a. The applicant shall submit an application for Special Permit and Site Plan Approval in accordance with the provisions of Section 10 of this Zoning By-Law and in accordance with the following:

(1.) Prior to submitting a formal application, the applicant shall meet at least twice with the Planning Board in order to discuss the concept of the proposal.

(2.) The Planning Board may request an outline of the concept and/or a limited plan of the proposal. The Planning Board shall determine whether additional meetings are required and shall so notify the applicant in a timely fashion, not to exceed thirty (30) days.

(3.) At the conclusion of said meetings, the Planning Board shall indicate whether, in the opinion of the Board, the concept does, or does not, have merit. A positive indication is not a guarantee that the formal application will be approved nor is a negative indication a determination that a formal application shall not be approved.

(4.) If the applicant desires to proceed with the proposal, he/she shall submit a formal application within sixty (60) days of the date upon which the Planning Board issues the positive or negative indication referenced in Section (3), immediately above.

(5.) Within one (1) week of submitting a formal application to the Planning Board, the applicant shall submit to the Design Review Board the Site Plan and Architectural Plans in accordance with Section 6.c., above.

b. The Planning Board shall review said application for Special Permit and Site Plan Approval in accordance with the provisions of this Zoning By-Law, Sections 6 & 11 of Chapter 40A (The Zoning Act) and Sections 81K through 81GG, inclusive, of Chapter 41 (The Subdivision Control Law) of the Massachusetts General Laws, the Planning Board Rules and Regulations Governing the Subdivision of Land, and the Rules and Regulations of the

Planning Board relative to the Grant of Special Permits.

c. All applications shall be reviewed by the Planning Board's Consultant Review Engineer., The applicant, in accordance with the Planning Board Rules and Regulations, shall deposit with the Treasurer of the Town funds equal to five thousand dollars (\$5,000.00) for the purpose of covering the costs associated with said engineering review. Unexpended funds shall be returned to the applicant.

Hanson

Does zoning include any provisions for housing that is restricted by age?

Yes

Town of Hanson Zoning Bylaw

SECTION II Definitions

ADULT RETIREMENT VILLAGE (ARV) An area of land, designed and developed as an integrated community, which departs from the zoning regulations conventionally required in the Agricultural- Recreation, Residence A, Residence AA, Residence B and/or Flexible Zoning Districts, and is restricted to households in which at least one permanent occupant is fifty-five (55) years of age or older. Such a use may be allowed only upon issuance of a special permit in accordance with all of the requirements of this Zoning By-law.

**Webmasters Note: The previous definition has been added as per an ordinance approved at a town meeting held on 10/1/01.

ASSISTED LIVING FACILITY (ALF) According to Massachusetts General Laws, Chapter 19D, assisted living facilities are for elders who do not require twenty-four (24) hour skilled nursing care, but need assistance with dressing, bathing, eating, housekeeping, medicine monitoring and other activities of daily living. This definition shall not include group homes, rooming or lodging houses, nursing facilities or other types of elderly housing. Such a use may be allowed only upon issuance of a special permit in accordance with all of the requirements of this Zoning By-law.

**Webmasters Note: The previous definition has been added as per an ordinance approved at a town meeting held on 10/1/01.

SECTION VI Use Regulations

K. ADULT COMMUNITIES

1. ADULT RETIREMENT VILLAGE (ARV)

A. APPLICABILITY: An adult retirement village use shall be allowed in Agricultural-Recreation; Residence A; Residence AA; Residence B; and Flexible Zoning Districts, but only upon issuance of a special permit from the Special Permit Granting Authority (SPGA) (Planning Board) under this section and in accordance with all of the requirements and criteria for issuance of a special permit under this Zoning By-law.

B. PURPOSE: An Adult Retirement Village (ARV), as approved by the Special Permit Granting Authority (SPGA) (Planning Board), is intended to: provide an alternative housing opportunity for the older population; provide an attractive and suitable residential environment that is more amenable to the needs of people in their later years; encourage creative and innovative site planning and design in order to enhance the attractiveness and suitability of smaller homes as a preferred alternative housing type in order to better meet the specific housing needs of this segment of the population and, to encourage the preservation of common land for open space and recreational use, by promoting better utilization of land in harmony with its natural features and to retain the rural character of the Town.

Where feasible, new homes shall be organized around traditional village streets. A central open space shall provide a focus for the community facility/building. The dwelling units shall be of high quality construction with care being taken in landscaping efforts to retain as much as possible the natural topography of the village environs. To enhance the village concept, the developer should be encouraged to employ historic, traditional and complimentary style, colors, and exterior lighting for all units as well as street lighting.

C. GENERAL STANDARDS: No special permit shall issue for an ARV use unless the standards set forth below are satisfied. In addition, no such special permit shall issue unless all of the criteria for issuance of a special permit as set forth under this Zoning By-law and under G. L. c.40A §9 have been satisfied.

(1) Occupancy Qualifications: The ARV Development is specifically limited to use residence and occupancy by persons who have achieved a minimum age of fifty-five (55) years, provided, however, that no more than one of the persons occupying any unit may be under fifty-five (55) years of age, unless otherwise qualifying as a handicapped adult, or as herein further provided. In addition, and only in proven cases of family emergency, as determined by majority vote of any homeowners' association management board, no more than two (2) additional persons, above the number which is specifically herein authorized, who are under age fifty-five (55) and directly related, shall be allowed to be an occupant of any dwelling unit for more than six (6) months duration. Extensions of such minimum time duration may be granted by majority vote of such board. Occupancy requirements shall be exclusive of nurses or others persons to provide healthcare services to any occupant of said dwelling unit. In the event of the death of the qualifying owner/occupant of a dwelling unit, or foreclosure or other involuntary transfer of a dwelling unit in an ARV, a two (2) year exemption shall be allowed for the transfer of the unit to another eligible household.

(2) Minimum Tract Size: ARV Developments shall be located on a parcel of land which has a gross area of not less than fifteen (15) acres and is located

in the Agricultural/Recreation, Residence A, Residence AA, Residence B or Flexible Zoning Districts.

(3) Maximum Density Ratio: The maximum density ratio in the ARV shall be no greater than five (5) residential units per acre. The gross land area of the parcel minus the open space will be used in calculating compliance with this maximum density ratio.

(4) Distance Requirements: Within the ARV, there shall be a minimum distance of thirty (30) feet between each building and minimum set-back from the roadway layout of at least thirty (30) feet. No dwelling unit shall be located nearer than one hundred (100) feet from the traveled portion of any public way nor closer than fifty (50) feet from the perimeter lot lines.

(5) Open Space: Within the ARV, all open space shall be integrated within and around the development. Additionally, not less than twenty (20) percent of the total land area contained within the development shall be designated as open space and further provided that no less than twenty percent of the designated open space land shall be suitable for use for passive and/or active recreational purposes. Community buildings and common facilities can be located within the open space. Area used for roadway layout shall not be used as open space area or site area.

(6) Multiple Uses: The site, when utilized for the purposes of this section and combined with any other use or uses, also allowed in this section, shall be of sufficient size, shape, topography and location or be capable of accommodating such multiple uses, as determined by the Planning Board.

D. SITE DEVELOPMENT STANDARDS

The ARV application shall show conformance with the following minimum requirements. The Special Permit Granting Authority (SPGA) may, in appropriate cases, waive, increase, reduce or modify these Site Development Standards as a condition of the Special Permit.

(1) Parking: Within the ARV, a minimum of two (2) parking spaces shall be required for each dwelling. Each parking space shall have an area of not less than ten (10) feet wide and nineteen (19) feet long. The parking area shall be paved and connected with a paved driveway to the roadway within the development. In order to reduce impervious area within the development, common driveways are encouraged.

(2) Dwelling Locations: Within the ARV, the dwelling locations shall be designated as part of the Special Permit Plan. Where possible, the dwelling location shall be oriented with respect to natural landscape features, scenic views, topography and natural drainage patterns. Additionally, dwelling locations shall show a "random layout" so as to minimize the visual effects of the density of the development.

(3) Utilities: Within the ARV, all utilities shall be installed underground. Each site shall be provided with a sanitary sewer service for the disposal of sanitary wastewater. The method of sanitary wastewater disposal shall conform to the requirements of the Hanson Board of Health and all Massachusetts Sanitary Codes and shall be approved by the Hanson Board of Health. No underground storage of petroleum products shall be allowed, and additionally, all storage of such products shall be within the structure.

(4) Antennas & Air Conditioners: Within the ARV, no dwelling unit shall have an exterior radio, television, dish-type antenna or window air conditioner.

(5) Foundations: Within the ARV, all homes shall be constructed on foundations meeting the minimum requirements of the Commonwealth of Massachusetts Building Code and the Town of Hanson Zoning Bylaws

(6) Ownership: The Planning Board shall have the authority to promulgate regulations to implement an Adult Retirement Village.

(7) On-Site Storage: Within the ARV, on-site enclosed storage must be provided for material which is used on a seasonal or infrequent basis and which cannot be conveniently stored in the dwelling unit. Each storage building must be uniformly constructed of non-ferrous materials and erected on a concrete slab. The individual storage building shall have a minimum outside dimension of five (5) feet by seven (7) feet or a maximum of six (6) feet by eight (8) feet with a height of eight (8) feet. The storage building shall be located in an unobtrusive location. When possible, two or more storage buildings may be combined. There shall be no sideline setback distance for storage buildings located within a home site, however, storage buildings shall not be located within fifty (50) feet of the perimeter of the development.

(8) Access Ways: Within the ARV, all roads shall have a minimum layout width of forty (40) feet and a paved roadway consisting of a minimum travel width of twenty (20) feet with two eighteen (18) inch wide "cape-cod style" berms for a total minimum pavement width of twenty-three (23) feet. The access ways shall be designed and constructed in general accordance with the latest Rules and Regulations governing the subdivision of land in Hanson. Except that the pavement width and berm requirements, as presented herein shall apply. Each access way shall be provided with at least one sidewalk, four (4) feet in width. Wheelchair ramps shall be provided at all intersections. Street lighting and fire hydrants shall be provided along the roadways throughout the development.

(9) Roads, Drainage, Driveways: Within the ARV, all roads, drainage systems and driveways shall be maintained by the governing body or its designee. They shall be kept passable and in good condition at all times. Snow and ice removal shall be done by the permittee as part of the normal road and driveway maintenance. It is intended that all improvements within the development remain in private ownership and be maintained by the governing body or its designee.

(10) Open Space: Open space shall be allocated to the recreational amenities and environmental enhancement of the development and shall be designed as such on the Special Permit plan.

(11) Buffer Zone: Within the ARV, there shall be a buffer zone of at least fifty (50) feet in width around the entire perimeter of the development. The buffer zone may include land area designated as a recreational site, if determined to be appropriate by the SPGA. The buffer zone shall include natural vegetation, plantings, walls, fences or vegetated earthen berms to provide a screening barrier between the development and the abutting properties. Screening plantings shall be used in combination with fences or walls. The buffer zone and its associated screening barrier shall be designated on the special permit plan. The detailed plan for planting and screening shall be prepared by a Registered Landscape Architect and shall be part of the Special Permit application. The actual requirements regarding buffering, plantings, screening, and the like shall be determined by the SPGA as part of the special permit process.

(12) Community Building: Within the ARV, there shall be a community building(s) and recreational facilities, which shall be available to all residents and their guests. Use of the community building(s) or facilities is specifically limited by this by-law to uses that will service the residents within the ARV. All uses within the development shall be delineated as part of the Special Permit application and must be specifically approved by the SPGA as an integral part of the Special Permit.

(13) Business: Within the ARV, no business of any kind is to be conducted unless specifically authorized by the Special Permit herein granted.

- (14) Solid Waste: Within the ARV, the governing body or its designee shall be responsible for the disposal of all the solid waste(s) by a method or system approved by the Hanson Board of Health. Containers shall be screened from public view.
- (15) Wastewater: Within the ARV, the governing body or its designee shall maintain the system(s) for the subsurface disposal of sanitary wastewater as required by the Hanson Board of Health.
- (16) State Law: The ARV shall conform to the requirements for a self-contained retirement community as established by Massachusetts General Laws, Chapter 151B, Section 4, Subsection 8, together with any amendment thereto.

E. SPECIAL PERMIT PROCEDURES:

- (1) The application for a Special Permit for an ARV shall be filed with the SPGA, with a copy of the application form filed with the Town Clerk. The application shall be accompanied by ten (10) copies of the Special Permit plan and all pertinent information required to support the subject application.
- (2) The Special Permit plan shall show the seal and signature of a Registered Professional Engineer or Registered Landscape Architect. Complete copies of the application and all documents shall be filed with and reviewed by the Board of Health, Water Commissioners and the Conservation Commission prior to filing with the SPGA.
- (3) The Special Permit plan shall provide sufficient detail to show the entire development, roadway systems, dwellings, community buildings and facilities, unit locations, buffer zones, open space and an analysis of the development showing compliance with site area, density and open space requirements.
- (4) The Special Permit plan shall be prepared in general accordance with the Subdivision Regulations for a Definitive Plan that are in effect as of the date of adoption of this zoning amendment.
- (5) In addition, the Special Permit plan shall show the proposed system for sanitary wastewater disposal, proposed screening plantings, wetlands, water bodies, flood zones, vegetative cover and other natural features.
- (6) The application package shall also include a narrative describing the tract of land, the surrounding neighborhood, and the possible impact(s) the development would have on the surrounding area. The narrative shall also include detailed information on the type of housing units to be used in the development, community buildings, recreational facilities and information in regard to the proposed operation of the ARV including anticipated community rules and regulations.
- (7) The Special Permit for the site plan shall only be issued by the SPGA following a public hearing held within sixty-five (65) days after the filing of the application. Any Board or Commission to which copies of the application was submitted for review, shall submit, in writing, any comments and/or recommendations as it deems appropriate to both the SPGA and the Applicant within forty-five (45) days of the receipt of said application. If no response is received within the forty-five (45) days, it shall be assumed by the SPGA that no response is required.
- (8) Any Special Permit issued under this by-law shall lapse if not exercised within two (2) years, provided, however, that this time shall not include the time required to pursue or await the determination of an appeal referred to G. L. c.40A, § 17, from the grant thereof. The permit shall be deemed to have lapsed if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, has not begun by such date except for good cause.
- (9) An Adult Retirement Village and an Assisted Living Facility may be combined into one project on one parcel of land at the discretion of the Special Permit Granting Authority.

2. ASSISTED LIVING FACILITY (ALF)

An Assisted Living Facility (ALF) is a non-institutional residential facility subject to certification by the Executive Office of Elder Affairs under G.L. Chapter 19D, defined as an entity, however organized, whether conducted for profit or not for profit, which meets all of the following criteria:

- a. Provides room and board;
- b. Provides assistance with activities of daily living and personal care services for three or more non-related adult residents; and
- c. Collects payments or third party reimbursements from or on behalf of residents to pay for the provision of assistance.

Assisted living facilities are for elders who do not require twenty-four (24) hour skilled nursing care, but need assistance with dressing, bathing, eating, housekeeping, medicine monitoring and other activities of daily living. This definition shall not include group homes, rooming or lodging houses, nursing facilities or other types of elderly housing.

A. GENERAL STANDARDS

- (1) Applicability: The Planning Board is the Special Permit Granting Authority (SPGA) for Assisted Living Facilities as defined in this bylaw and, in appropriate cases, the SPGA may waive, increase, reduce or modify these standards as conditions of the Special Permit.
- (2) Building Height: Any addition or new construction shall not exceed forty (40) feet in height, as measured in accordance with the State Building Code, or three stories. This does not preclude the reuse and renovation of existing structures, which may exceed this height limit.
- (3) Minimum Lot Size: An assisted living facility shall be permitted in the Agricultural/Recreation, Residence A, Residence AA, Residence B, and/or Flexible Zoning Districts on a parcel containing a total area of not less than five (5) acres.
- (4) Building Coverage: The maximum building coverage, including accessory buildings, shall not exceed thirty (30) percent of the lot area for new construction or expansion of existing structures.
- (5) Distance Requirements: There shall be a minimum distance of thirty (30) feet between each building and minimum setback from the roadway layout of at least thirty (30) feet. No dwelling unit shall be located nearer than one hundred (100) feet from the traveled portion of any public way nor closer than fifty (50) feet from the perimeter lot lines. Buffers may be required at the discretion of the SPGA.
- (6) Setback From Residential Dwellings: In all designated zones, all buildings associated with the assisted living facility shall be no closer than two hundred (200) feet from existing residential dwellings; however, with respect to accessory structures not greater than three hundred (300) square feet in said zones, the SPGA, in its discretion, may reduce said setback by an amount up to but not greater than one hundred (100) feet if it determines that said structure will not adversely impact the use and enjoyment of the existing residential dwelling.
- (7) Minimum Living Space: Every dwelling unit shall be at least three hundred (300) square feet for one person and four hundred (400) square feet for double occupancy.

B. OTHER REQUIREMENTS

- (1) Services: Assisted living residences shall be serviced by sewer of sufficient capacity to serve the project and public water. Any extension and/or replacement of sewer and/or water lines necessary to provide sufficient capacity shall be the responsibility of the applicant.
- (2) Transportation Services: The operator of the assisted living residence shall be required to provide or arrange transportation for ALF residents to and from local services and medical facilities, as required.
- (3) Common Open Space: The common open space shall consist of not less than twenty (20) percent of the total area and shall be retained in perpetuity for conservation or passive recreation use. No more than twenty-five (25) percent of the minimum required open space shall be situated within wetlands.
- (4) Parking: The minimum number of parking spaces provided on the lot shall be 0.5 parking space per assisted living unit plus one (1) parking space per employee during the largest shift. The Planning Board, in its discretion, may require additional parking spaces to serve the needs of employees, visitors and service vehicles, such spaces to be provided in a "reserve parking area" which would not be built unless determined necessary by the Inspector of Buildings.
- (5) Access and On-Site Circulation: Adequate on-site circulation shall be provided to and from the site, taking into consideration the adjacent sidewalks and streets and accessibility of the-site and building(s) thereon for emergency vehicles. Adequate provision shall be made for off-street loading and unloading requirements of delivery vehicles and passengers using private transportation
- (6) Public Safety: The facility shall also have an integrated emergency call, telephone and other communication system to provide monitoring for its residents. There shall be sufficient site access for public safety vehicles. A plan shall be approved by the Hanson Fire Department for the emergency evacuation of residents with emphasis on ensuring the safety of residents with physical impairments.
- (7) Landscaping: Suitable landscaping and screening is required to obscure visibility of parking areas, dumpster locations, and loading areas. In all designated zones, the minimum setback from all property lines of such parking lots, dumpster locations and loading areas, except for their points of ingress and egress, shall be fifteen (15) feet.
- (8) Accessory Uses: The operator of the assisted living facility may also provide optional services on the site for the convenience of residents, including, but not limited to barber/beauty services, sundries for personal consumption, laundry services, and other amenities, provided such uses serve primarily the residents and staff of the Assisted Living Facility and the accessory uses shall be wholly within the facility and shall have no exterior advertising display or signage.
- (9) Special Permit Procedure: The procedure for a special permit under this section shall comply with the procedures outlined in ARV Section K.1.C of this bylaw, which includes application procedures, special permit criteria and guidelines for Planning Board review of the proposal. The Planning Board may impose additional conditions, if in its judgment, such conditions are needed to increase the compatibility of the project with its surrounds or to better provide for the residents.
- (10) Combined Units: An Adult Retirement Village and an Assisted Living Facility may be combined into one project on one parcel of land at the discretion of the Special Permit Granting Authority.

**Webmasters Note: The previous subsection, K., has been added as per an ordinance approved at a town meeting held on 10/1/01.

Harvard *Does zoning include any provisions for housing that is restricted by age?*

No

Haverhill *Does zoning include any provisions for housing that is restricted by age?*

No

Hingham *Does zoning include any provisions for housing that is restricted by age?*

Yes Town of Hingham Zoning Bylaw, Section III-a.1.7 (Revised 2003).

"1.7 Buildings containing multiple dwelling units, and community and other buildings accessory thereto, constructed and operated pursuant to the provisions of Section 38, 39, 40, and 41 of Chapter 121B of the Massachusetts General Laws, providing housing for elderly persons of low income, or constructed and operated pursuant to the provisions of Sections 25-32 of Chapter 121B of the Massachusetts General Laws, providing housing for persons of low and moderate income. This use shall be exempt from paragraph 4 of Section IV-C."

From ordinance.com:

IV-B Special Requirements to Schedule of Dimensional Requirements

10. In the case of land used for housing the elderly persons of low income, or persons of low and moderate income, pursuant to the provisions of subsection 1.7 of Section III-A, the following provisions shall apply: (a) There shall be no less than three thousand (3,000) square feet of lot area per dwelling unit. (b) No more than forty percent (40%) of the lot area shall be occupied by the buildings. (c) A green yard space, no less than twenty (20) feet wide, shall be maintained open and green with grass, bushes, flowers, or trees, or any combination thereof, along the entire length of each side lot line and rear lot line and (except for driveways) along the entire street frontage, and such green yard space shall not be built upon nor paved nor used for storage or for vehicle parking, but signs and fences not otherwise prohibited by law may be erected and maintained thereon. (d) There shall be a minimum distance of thirty (30) feet between all buildings on such land. (e) There shall be reserved sufficient areas to provide parking spaces for vehicles at the rate of one such space per dwelling unit. So much of said area or areas shall be paved as may be deemed necessary by the Board of Appeals. In making such determination, the Board of Appeals shall give due consideration to the location of the land, the probable number of vehicles parking thereon, the probable age, economic resources, and parking requirements of the occupants of such dwelling units, and such other factors as said Board may deem pertinent in each case. From time to time the Board of Appeals may, upon the petition of the Board of Selectmen, the Building Commissioner or the Planning Board, and after notice and hearing as provided by subsection 3 of Section I-D, determine the necessity for additional paving of such reserved area or areas and may order additional paving in accordance with such determination.

ELDERLY PERSON(S) : one person who is 62 years of age or over, or two persons, sharing a dwelling unit, the elder of whom is 62 years of age or over.

This requirement (10) applies to Res A, Town House in Res D, Res E and Bus A and Bus B.

Holbrook

Does zoning include any provisions for housing that is restricted by age?

Yes

From ordinance.com 4/8/05 (updated version to include revisions from Annual Town Meeting in 5/04)

SECTION 10: SPECIAL PROVISIONS

10.1 The following uses may be permitted as designated in Section 7.3 Table of Use Regulation provided they meet the following requirements in addition to any other requirements.

10.2 APARTMENTS, MULTIPLE OR ATTACHED DWELLINGS

10.21 No building or buildings intended for three or more families shall be constructed on a lot having less than two hundred (200) feet frontage.

10.22 A space not less than twenty (20) feet shall be maintained- open with grass, bushes, flowers or trees along each side lot, rear lot line and front lot line except for entrance and exit driveways and such open space shall not be built on, nor paved, nor used for parking.

10.23 No more than four (4) dwelling units shall be constructed per one (1) acre of land area whether such land area is designated as wetlands or not or the land is otherwise undevelopable.

10.24 The manner of sewerage disposal shall be approved in writing by the Board of Health.

10.25 All off-street parking shall be provided at the rear or side of the building for which it is intended to be used. Parking in the front areas of such buildings may be authorized by a Special Permit issued by the Town of Holbrook Planning Board.

10.26 No apartment, multiple, or attached dwelling containing more than four (4) dwelling units shall be constructed unless a Special Permit pursuant to Subsection is issued. For the purposes of this Section, the Town of Holbrook Planning Board shall be considered the Special Permit granting authority.

10.26.1 Special Permit

Purpose and Intent

The purpose of this special provision section is to provide high quality multi-unit housing uses while minimizing the need for municipal infrastructure and services and while preserving open space. Developments created under this Section shall be designed to maximize the use of available public transportation, to minimize vehicular traffic, and to provide opportunity for pedestrian and recreational uses.

Definitions

AGE RESTRICTED UNITS - Units restricted to occupancy by persons fifty-five years of age or older and that are consistent with and in compliance with Senior Housing Laws.

BEDROOM - Any habitable room in a Dwelling Unit other than a living room, dining room, kitchen, utility room, or bathroom.

COUNTABLE UNITS - Units qualifying and countable towards the Commonwealth of Massachusetts mandated minimum affordable housing requirement under Massachusetts General Laws in particular Section 40B ss. 20-23 and the Massachusetts DHCD guidelines. Such units shall be available to groups such as veterans, senior citizens, municipal employees, and others who meet the state income regulations for moderate to low income housing.

DWELLING UNIT - Any room or suite of rooms comprising one complete housekeeping unit with its own cooking and food storage equipment and facilities and its own bathing and toilet facilities wholly within such room or suite of rooms.

MULTIPLE UNIT BUILDING - A free standing building with more than four (4) Dwelling Units.

MULTIPLE UNIT DEVELOPMENT - A development consisting of one (1) or more Multiple Unit Buildings located on a single or adjacent parcels of land.

OPEN SPACE - An area left in its natural vegetated state, designated and maintained exclusively for recreational use, or landscaped to the satisfaction of the Holbrook Planning Board and not used for building, parking, or other related purposes.

PRINCIPAL SITE ROADWAY - A Roadway serving the site shall be designed to conform with the roadway and sidewalk standards of the Regulations for Subdivision of Land of the Town of Holbrook and or any other standards of the Town of Holbrook.

SENIOR HOUSING LAWS - Collectively and separately, the Fair Housing Act, 42 USC Section 3607(b), 24 CFR Subtitle B, Ch. 1, Section 100.300 et seq. and G.L. c. 151B, Section 4.

Application Procedures and Fees

Application - An application for a Special Permit for construction under this section shall be submitted to the Planning Board on forms furnished by the Planning Board, accompanied by (a) fees set forth in the rules and regulations of the Holbrook Planning Board (b) the following information and data, and (c) a Development Plan as described below.

- a. All of the information required for site plan approval pursuant to Section 10.6.
- b. The name(s) and, address(es) of the Applicant and all legal and beneficial owners of the site; copies of all instruments, options, contracts or encumbrances affecting ownership of the development site; and an instrument executed by all persons owning property within the site consenting to the development of the subject property; as applied for.
- c. A proposed development schedule showing the beginning of construction, the rate of construction and development, including stages, if applicable, and the estimated date of completion.
- d. A narrative report prepared by qualified professionals, detailing the impact of the development on the Town's capacity to furnish services including, but not limited to, roads, water, and sanitation.
- e. Information regarding the number and kind of dwelling units and other structures (including signs) proposed, their location, the number of bedrooms planned, the sale prices anticipated and population projections pertaining thereto.
- f. Areas to be set aside for building structures, parking areas and conservation and recreation easements.
- g. Information pertaining to any organization which the Applicant proposes where the development is to be a condominium development.
- h. Any and all other information that the Planning Board may reasonably require in a form acceptable to it to assist in determining whether the Applicant's proposed development plan meets the objectives of this Section.
- i. A traffic study prepared by a registered engineer showing projected traffic totals at peak and off peak hours at all entrances and exits to the site and covering nearby roadways and intersections that may be affected by the use of the site as identified by the Planning Board.
- j. A Development Plan consisting of a plan showing the proposed uses of all land areas within the relevant Multiple Unit Development. The plan shall show in a general manner:
 - a. The location of proposed buildings;
 - b. The location and dimensions of drives and parking areas;

- c. The location and characteristics of any common open space;
- d. Proposed infrastructure;
- e. Proposed building renderings.

Application and Technical Review Fees

A filing fee and technical review fee shall be paid by the applicant as a part of any application under this Section. Said fees shall be set from time to time and published by the Town of Holbrook Planning Board in accordance with State Law. The technical review fee shall be used to engage professional, technical and/or legal consultants to review an application for a Special Permit. The technical review fee shall be replenished by the applicant when depleted to an amount less than fifty percent (50%) of the original amount determined. Failure to provide or restore any said fees in this section shall result in denial of applications or revocation of any Special Permit(s) granted to the applicant. Unexpended amounts of the technical review fee will be refunded on request to the applicant upon completion of the project and when in compliance with any requirements placed on it. The applicant will be provided with a detailed accounting of all disbursements from the technical review fee account.

Standard and Requirements

The following standards shall be required in order to be eligible for a Special Permit under this Section.

Open Space Requirements - At least forty (40%) percent of the site shall be open space.

Senior Units - A number of units shall be reserved for Age Restricted Units. Said units shall be restricted for occupancy to persons fifty-five (55) years of age or older and shall comply with any and all Senior Housing Laws. Age Restricted Units shall be enforced by deed restriction on the property. If fewer than thirty-five percent (35%) of the total units allowed by the density set forth in Section 10.23 are constructed as Age Restricted Units, then the overall density allowed under Section 10.23 and as defined under Density in this section shall be reduced by the number of Age Restricted Units allowed but not constructed. The purpose of this requirement is to encourage but not mandate the construction of Age Restricted Units by allowing a greater density when units of this type are built.

Public Transportation - For developments consisting of more than fifty (50) units and the majority of said units are located more than one-half (1/2) statute mile from the nearest public transportation connection, the owners of the property may be required to prepare and to implement a Traffic Demand Management Plan. Such Traffic Demand Management Plan may be required to include or to pay reimbursement for shuttle transportation service to the nearest public rail transportation facility during the hours of 6:30 AM to 9:00 PM.

Recreational Opportunity - On site recreational facilities such as, but not limited to, parks, exercise facilities, gymnasiums, walking or bicycle trails shall be constructed and maintained for the use of the residents.

Density - No more than four (4) Dwelling Units shall be constructed per one (1) acre of land space.

Bedrooms - No Dwelling Unit constructed under this Section shall contain greater than two bedrooms.

Countable Units - A minimum of fifteen percent (15%) units constructed shall be qualified as Countable Units. Countable Units shall remain eligible for a minimum of thirty (30) years by deed restriction running with the property. Said Units shall only be counted towards meeting this requirement if they are not counted to meet any other such requirement. The applicant is responsible for all application and certification processes needed to certify these units.

Site Plan Review - The application for approval under this section shall be filed in conjunction with the Site Plan review requirement under Section 10.6 of the Town of Holbrook Zoning By-Law.

Interior Driveways and Roadways - The principal roadway(s) and drives serving the site shall be designed to conform with the standards of the Regulations for Subdivision of Land of the Town of Holbrook and any other standards of the Town of Holbrook. Private ways within the site shall be adequate for intended vehicular and pedestrian traffic and shall be maintained by an association of unit owners or by the applicant.

Refuse Pickup and Roadway Maintenance - The owner or unit owners of a development shall be responsible for the maintenance of (including snow and ice removal) of all roadways within the development, for trash and refuse removal, and maintenance of all recreational and landscape amenities required.

Parking - The Applicant shall provide adequate parking to serve all anticipated uses on the property, with information detailing the method of computation of parking spaces. The number of parking spaces per dwelling unit provided shall be no less than that allowed by the Town of Holbrook Zoning By-Laws Section 11, "Off-Street Parking and Loading Requirements".

Stormwater Management - The stormwater management system shall be designed in accordance with the Subdivision Regulations of the Town of Holbrook Planning Board and the DEP's Stormwater Management Guidelines.

Criteria for Approval

The Planning Board may grant a Special Permit or may grant a Special Permit with Conditions for this use (Multiple Unit Development) under this

Section where it makes the following findings and the Planning Board shall also make such further findings as may otherwise be required by this section and may attach such conditions or safeguards or limitations on the grant of the Special Permit as it finds to be appropriate and reasonable to protect the surrounding neighborhood and town.

Findings

- a. The proposed development complies fully with all provisions of this section and all other requirements of the Town of Holbrook Zoning By-Law.
- b. The proposed development complies with the Purposes and Intent of this section.
- c. That the site is suitable for the proposed use.
- d. Adequate access for police, fire, and public safety exists
- e. That the internal roadways and driveways are adequate for the proposed use
- f. That external entrances and exits are sufficient and do not pose a traffic hazard
- g. That the proposed development has incorporated trip reduction measures in order to minimize vehicular trips to and from the site. These measures may include but are not limited to sponsored transportation to regional and local public transit facilities, pedestrian amenities, bicycle and walking paths.
- h. That adequate parking and loading facilities are provided.
- i. The site will be suitably landscaped to protect the character of the neighborhood and adjacent property and the neighborhood.
- j. The proposed use has an adequate method of sewage disposal, source of water and drainage.
- k. That the distances between structures are adequate for public safety and traffic circulation purposes.
- l. That the proposed development makes adequate provisions to insure Age Restricted Units, where applicable, and Countable Units are constructed in accordance with this section and all applicable laws.
- m. The proposed development does not cause detriment to the neighborhood after considering the following potential consequences:
 1. noise, during the construction and operational phases;
 2. pedestrian and vehicular traffic;
 3. environmental harm;
 4. visual impact caused by the character and scale of the proposed structure(s).
 5. makes no detrimental impact on municipal services
 6. historical character of the neighborhood

Permit Lapse

Special permits issued under this section shall lapse within twenty-four (24) months of Special Permit approval if a substantial use thereof or construction has not begun, except for good cause as determined by the Special Permit Granting Authority.

**Webmasters Note: The previous sections, 10.2 through 10.26.1, have been amended as per an update approved at a town meeting held on 5/17/04.

Holden

Does zoning include any provisions for housing that is restricted by age?

Yes

Zoning Bylaws of the Town of Holden (Adopted 1954, Amended 2004)

SECTION XVIII RETIREMENT COMMUNITY

(Added ATM 5/17/99, approved 8/16/99)

Section 1 - Intent and Applicability

The intent of this section is to allow flexibility in development of parcels for housing and related services for retired and aging persons, with particular interest in meeting the needs of residents of Holden. A Retirement Community, as defined herein, may be allowed upon grant of a special permit by the Planning Board.

Section 2 - Definition

As used, in this by-law, Retirement Community shall mean a development on a parcel of twenty (20) acres or more comprised of a mixture of dwelling unit(s) as defined herein to include Independent Housing and may include a combination of Congregate Housing, Assisted Living Facility(s), and

Restorative Care/Skilled Nursing Facility(s) with said dwelling units designed to accommodate the needs of an aged population. A Retirement Community shall operate under common management serving the principal purpose of assisting the elderly in maintaining an independent lifestyle. For those projects comprised of greater than twenty (20) acres, a Retirement Community shall be limited to persons at least one of whom in each household shall have attained the age of fifty-five (55) years. The program of in house resident services offered by a Retirement Community development that includes any combination of Congregate Housing, and/or Assisted Living Facility(s), and/or Restorative Care/Skilled Nursing Facility(s) shall be primarily for the benefit of residents and their guests of the Retirement Community and shall include a majority of the following:

1. Restorative care/skilled nursing*
2. Transportation services
3. Financial assistance
4. Barber/beautician
5. Medical evaluation/health care maintenance
6. Home health
7. Assisted Care*
8. Adult day care and respite care services
9. Food services
10. Cleaning services
11. Exercise, recreational, educational and social services
12. Other services, activities and accessory uses incidental to the operation of a Retirement Community

In house services may only be provided to residents and their guests and may not display exterior advertising. The program of in house services offered by the Retirement Community shall be specified in the Special Permit application and the scale of each service shall be in proportion to the number of dwelling units in the Retirement Community and subject to approval by the Planning Board.

*Assisted Care includes the provision of services geared to an aging adult population which may have difficulty functioning independently and may require oversight including, but not limited to the provision of a full meal plan, transportation services, personal care and assistance with medications.

*Restorative care/skilled nursing includes the provision of services for long-term nursing, convalescent or rehabilitative care; supervision and care incident to old age, retirement home care for elderly persons.

Section 3 - Types of Dwellings and Facilities Permitted

The Planning Board may grant a Special Permit to allow a Retirement Community in any zoning district. A Retirement Community shall adhere to the dimensional requirements of the underlying zoning district except as set forth in Section 4 of this Section XVIII: Specific Restrictions. A Special Permit granted by the Planning Board may allow the construction of detached or attached dwellings of any combination, and may also allow the construction of a restorative care center/skilled nursing facility/clinic, congregate housing, assisted living facility(s) and accommodations for in house resident services. There shall be provided in appropriate cases suitable means of access to and egress from and access within all buildings designed for occupation for dwelling purposes or in house services for handicapped persons as required to comply with the standards of the Architectural Access Board. Enclosed walkways and/or non enclosed walkways connecting buildings shall be permitted.

INDEPENDENT LIVING RETIREMENT HOUSING : As used in this Bylaw, Independent Living Retirement Housing means private residential dwelling units, individually equipped with a minimum of a kitchen, bedroom, bathroom and living area. Geared toward independently functioning adults, this housing typically does not offer on-site supportive services but is designed to be barrier free and may include emergency call features complemented by housing management and maintenance services.

CONGREGATE HOUSING : As used in this Bylaw, Congregate Housing means private dwelling units/apartments which may have kitchen facilities within a complex containing central dining and other common areas and is designed for an adult population requiring some supportive services including but not limited to meals, housekeeping, home health and other supportive services. Congregate Housing under this section of the bylaw must obtain all required permits and/or licenses that are required to operate such facility by any department of the United States of America, the Commonwealth of Massachusetts and the Town of Holden.

ASSISTED LIVING FACILITY : As used in this Bylaw, an Assisted Living facility means a twenty-four hour staff along with private dwelling units which may contain independent efficiency kitchens, but which contain common kitchen, dining and other activity areas. Assisted Living facilities are geared to an adult population which may have difficulty functioning independently and may require oversight including, but not limited to the provision of a full meal plan, transportation services, personal care and assistance with medications. Special care programs specifically designed for adults with memory loss are included in this category. Assisted Living Facility(s) under this section of the bylaw must obtain all required permits and/or licenses required to operate such a facility by any department of the United States of America, the Commonwealth of Massachusetts including Certification by the Executive Office of Elder Affairs pursuant to M.G.L. Chapter 19D and the Town of Holden.

RESTORATIVE CARE/SKILLED NURSING FACILITY : includes any institutions which provide services primarily to three or more individuals admitted thereto with long-term nursing, convalescent or rehabilitative care; supervision and care incident to old age; or retirement home care for elderly persons and includes services provided by nursing homes, convalescent homes, long term care facilities, rest homes, infirmaries for older adults, charitable homes for the aged. Restorative Care/Skilled Nursing Facility(s) under this section of the bylaw must obtain all applicable permits and licenses required by any agency of the United States of America, the Commonwealth of Massachusetts and the Town of Holden.

DWELLING UNIT : One or more living or sleeping rooms arranged for the use of one or more individuals living as a single housekeeping unit with individual or congregate cooking, living, sanitary and sleeping facilities, excluding Mobile Homes and Trailers. The intent of this definition is to define a "home" with private sleeping rooms rather than a dormitory arrangement of sleeping quarters.

Section 4 - Specific Restrictions

A Retirement Community as provided herein shall also be subject to the following specific restrictions.

A. Density and Parcel Size

A Retirement Community shall occupy a parcel of land of twenty (20) acres or greater. The maximum number of dwelling units permitted in a Retirement Community shall be determined as follows:

Single family detached dwelling units require a land area of 10,000 square feet exclusive of required open space.

Duplexes require a land area of 15,000 square feet exclusive of required open space.

Triplexes require a land area of 22,500 square feet exclusive of required open space.,

Townhouses or other multifamily residential dwelling units require a land area of 15,000 square feet for the first two dwelling units and 6000 square feet per dwelling unit for each dwelling unit thereafter exclusive of required open space. No more than 50% of the dwelling units in a Retirement Community shall be in any one of the above referenced categories [single family detached dwelling units, duplexes, triplexes, townhouses or other multifamily dwelling units] if the Retirement Community consists of more than ten dwelling units. The Planning Board may waive this requirement if it can be demonstrated that the request is consistent with the objectives of the bylaw and is in the best interests of the Town and its residents. Congregate Housing and/or Assisted Living Facilities occupying a single structure may be constructed at a density of 12 dwelling units per acre exclusive of required open space and acreage devoted to other use with no more than two such facilities occupying a Retirement Community site. These facilities must adhere to the open space requirements of this article. Congregate Housing and/or Assisted Living Facilities may not function independently of a Retirement Community under Section XVIII of the Holden Zoning Bylaws. Any Congregate Housing or Assisted Living Facility under this section of the bylaw must obtain all required permits and/or licenses required by any department of the United States of America, the Commonwealth of Massachusetts and the Town of Holden. Development plans submitted under this section shall include a construction schedule indicating that other forms of housing allowed under this section will be constructed prior to or concurrent with commencement of construction of Congregate Housing or Assisted Living Facilities. An increase in the number of dwelling units of up to twenty (20) percent of the maximum dwelling units allowed may be permitted based upon each additional dwelling unit so granted being Affordable Housing. In granting such increases the Planning Board shall require that the developer provide legally enforceable assurances which are acceptable to the Planning Board that the dwelling units so granted will continue to be Affordable Housing. For the purposes of this section "Affordable Housing" means housing affordable to people or families with incomes as set by the Department of Housing and Community Development for this purpose.

B. Set back

Single family detached dwelling units, duplexes, and triplexes, townhouses, multifamily residential dwelling units, Restorative Care/Skilled Nursing Facilities, Congregate Housing, and Assisted Living Facilities are to be set back a minimum of 50 feet from the outside perimeter property line of the retirement community. This 50 foot setback is intended to act as a buffer and shall not be disturbed from its natural state for the entire distance excepting for additional plantings or as required by the Planning Board and excepting the entranceway(s). The Planning Board may approve the removal of dead, dying or scrub vegetation in conjunction with additional plantings. The minimum setback for Congregate Housing, Assisted Living Facilities, and Restorative Care/Skilled Nursing Facilities shall be increased by 15 feet for structures over one story in height.

C. Lot coverage and Open Space Requirements

Lot coverage, including both building footprints and all other impervious surfaces, for any Retirement Community shall not exceed twenty-five percent (25%) of the total parcel. If the Retirement Community contains more than 4 buildings, these buildings shall be sited using cluster principles. At least twenty-five (25) percent of the Retirement Community site, of which fifty (50) percent shall not be wetlands, shall be preserved as open space exclusive of parcel size restrictions and set back requirements in Sections 4A and 4B. A minimum of seventy-five (75) percent of the open space shall be maintained as a natural vegetation area except that plantings, passive recreational uses (as may be permitted and/or required by the Planning Board), the installation, repair and maintenance of footpaths, underground utilities, access ways (if required by the Town of Holden or other governmental agency), drainage structures and facilities and such other construction as may be permitted and/or required by the Planning Board under the provisions of Site Plan Approval are permitted. However, such portions of the open space as shall have been disturbed for purposes so permitted shall be restored to former conditions as approved by the Planning Board. The open space shall be protected by a recorded restriction enforceable by the Town of Holden.

D. Parking

There shall be at least one and one-half (1.5) off-street parking spaces per dwelling unit. Notwithstanding the foregoing Congregate Housing shall provide a minimum of one (1) off street parking space per dwelling unit and a Restorative Care/Skilled Nursing Facility or Assisted Living Facility shall have at least one-half (.5) off-street parking space per bed or dwelling unit respectively.

E. Roads, Driveways, and Utilities

All roads, driveways, utilities, and drainage facilities within a Retirement Community shall be designed and constructed in conformance with the Town of Holden Subdivision Control Regulations. The Planning Board may waive said rules and regulations if it determines that such action will advance the intent of these regulations.

Section 5 - Other Objectives

The following objectives are important in the development of a Retirement Community and are to be considered by the Planning Board in determining whether to grant a Special Permit for a Retirement Community:

A. It is desirable to minimize municipal costs and environmental impacts through reduction, to the extent reasonable, in the length of streets, utilities and drainage systems per dwelling unit served.

B. It is desirable to increase the size of contiguous area assured of preservation in a natural state and the number of off-street pathways and trails, recreation areas and wilderness area open to all residents of the Retirement Community.

- C. It is desirable that all existing scenic vistas be respected and preserved and that new scenic vistas be created.
- D. It is desirable to increase vehicular safety by having fewer, better located and designed egresses onto existing streets.
- E. It is desirable to preserve environmental quality by reduction (i) of the total area over which vegetation is disturbed by cut or fill or displacement; (ii) in critical lands (slopes in excess of fifteen percent (15%), land within one hundred (100) feet of a water body, wetland or stream having outstanding or rare vegetation) disturbed by construction; (iii) of the extent of waterways altered or relocated; (iv) in the volume of cut and fill for roads and construction sites.
- F. It is desirable to have the design and location and materials of the structure(s) on the site be sensitive to the natural and environmental conditions, vistas and abutting properties.
- G. There should be positive benefit to the Town in some important respects, such as mitigation of environmental damage, better controlled traffic, preservation of current character through location of reserved open space, meeting the shelter and/or health needs of special populations of the Town.

Section 6 - Procedures

The procedures to obtain a special permit from the Planning Board for a Retirement Community, including administration, powers, hearings and time limits, shall be those set forth for a special permit.

Section 7 - Application and Submission Requirements

The application and submission requirements for a special permit from the Planning Board for a Retirement Community shall comply with Section 7.1.XI.J.1 and the Holden Planning Board Plan Submittal Requirements on file with the Holden Town Clerk and include at minimum:

Application fee as specified in the above referenced document Application forms in duplicate A Sepia or Mylar of the Plan Blueprint copies as specified in above referenced document A Certified Abutters List Mailing labels as specified in above referenced document Plans shall show boundaries of the premises; existing and proposed topography, buildings (including the facades thereof), parking, screening, water, sanitary sewerage, storm drainage, site landscaping (including walls, fences, walks, planting areas and green belts), loading areas, driveway openings, driveways, service areas and lighting. If phasing is considered an overall development plan of the proposed use of the entire tract of land designated for the Retirement Community shall be submitted.

Section 8 - Application Review Procedures

The Planning Board, through the special permit review process, shall exercise standards for review and standards for approval for a Retirement Community which comply with the intent and requirements of Sections 1-7 above and assure the following:

- A. Safety of internal circulation and egress.
- B. Adequate access to each structure for fire and service equipment.
- C. Traffic safety and ease of access at street and highway entrances and exits of driveways, taking account of grades, sight distances and distances between such driveway entrances, exits and the nearest existing street(s) or highway intersection(s).
- D. Appropriate scale of dwelling units, including group structures, which may exceed the average dimension of units on surrounding properties, but not to an excess which negatively affects surrounding properties as determined by the Planning Board.
- E. Appropriate loading space for associated services but no less than one (1) space per 40,000 square feet of such space and no less than one (1) space overall.
- F. Buffering of the Retirement Community from surrounding properties with vegetation and/or fencing as needed and determined by the Planning Board. The Planning Board shall grant a Special Permit under this section only when it finds that the appropriateness of the location for the uses and structures, the adequacy of public sewerage and water facilities or the suitability of the site for on-lot sewerage and water systems, any possible adverse effect on the neighborhood and/or Town, undue nuisance or serious hazard to vehicles or pedestrians, and adequate and appropriate facilities to ensure the proper operation of the proposed use, structure, or condition the Retirement Community is consistent with the intent of this bylaw. The Board shall impose reasonable conditions to safeguard the neighborhood, or otherwise serve the purposes of this bylaw, including, but not limited to, the following: front, side, or rear yards greater than the minimum required otherwise by this bylaw; screening and buffers; modification of the exterior appearance of structures; limitation upon the size, number of occupants, method and time of operation, or extent of facilities; regulation of the number and location of driveways or other traffic features; and off-street parking or loading or other special features beyond the minimum required in this by-law. The Planning Board shall provide findings of fact regarding its decision(s) for approval of any Special Permit granted under this Section XVIII of the bylaws.

Holliston

Does zoning include any provisions for housing that is restricted by age?

Yes

The Town of Holliston created a Senior Residential Development District in 2001 which exists on the Assessor's Map 8, Block 5, Lots 7 & 8,--229 Hollis Street), Assessor's Map 8, Block 5, Lot 16 (52 Jasper Hill Road), and Map 4, Block 3, Lot `8 (2217 Washington Street).

According to Section V-P(1)and(2):

"1. Intent - The following Senior Residential Dwelling Development requirements and procedures for complying therewith are designed to satisfy the needs of the present and future inhabitants of the town for senior residential dwelling units while ensuring that such development and uses will not result in abuses detrimental to the health, comfort, safety and welfare of both the residents of the senior residential dwelling units and the Town as a whole. Nor shall any Senior Residential Dwelling Development be detrimental to any abutting property. Senior residential dwelling developments in Holliston shall be allowed only according to the terms of a Special Permit and the provisions of this sub-section V- P. However, the provisions of this sub-section shall not apply to Federal and State subsidized housing for the elderly or low income constructed or operated under the supervision of the Holliston Housing Authority.

2. Objectives - In all actions taken hereunder, the Special Permit Granting Authority and its Advisors shall be guided by the following policy objectives:

- a. To provide safe and comfortable senior residential dwelling units for all persons age fifty-five (55) or older, regardless of race, creed or income level.
- b. To insure proper use and conservation of land and its environment by relating proposed senior housing to the natural and manmade features and conditions of the development site, including:
 - (1) slope and topography;
 - (2) surface and sub-surface bedrock and soil drainage conditions;
 - (3) location with respect to adjacent streets and buildings;
 - (4) vegetative cover, bodies of water and wetlands; and
 - (5) other features of recognized conservation or historical significance."

The entire section of the bylaw on ordinance.com:

V-P SENIOR RESIDENTIAL DWELLING DEVELOPMENT REQUIREMENTS

1. Intent - The following Senior Residential Dwelling Development requirements and procedures for complying therewith are designed to satisfy the needs of the present and future inhabitants of the town for senior residential dwelling units while ensuring that such development and uses will not result in abuses detrimental to the health, comfort, safety and welfare of both the residents of the senior residential dwelling units and the Town as a whole. Nor shall any Senior Residential Dwelling Development be detrimental to any abutting property. Senior residential dwelling developments in Holliston shall be allowed only according to the terms of a Special Permit and the provisions of this sub-section V- P. However, the provisions of this sub-section shall not apply to Federal and State subsidized housing for the elderly or low income constructed or operated under the supervision of the Holliston Housing Authority.

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b. To insure proper use and conservation of land and its environment by relating proposed senior housing to the natural and man-made features and conditions of the development site, including:

- (1) slope and topography;
- (2) surface and sub-surface bedrock and soil drainage conditions;
- (3) location with respect to adjacent streets and buildings;
- (4) vegetative cover, bodies of water and wetlands; and
- (5) other features of recognized conservation or historical significance.

c. To encourage owners and developers to design and build high quality senior residential dwelling structures with accompanying conveniences and appropriate site development by promoting proper consideration of physical planning factors such as:

- (1) recreational areas and facilities;
- (2) outdoor lighting and screening thereof;
- (3) parking areas, driveways, pedestrian movement, streets and traffic flow;
- (4) protection of open space including wooded and wetland areas;
- (5) suitable placement of buildings and facilities in relation to the site and surrounding influences;
- (6) design and layout of building interiors and exteriors; and
- (7) adequacy of senior services and conveniences.

d. To promote orderly physical, social and economic development in the Town of Holliston.

3. Establishment and Delineation of Senior Residential District - Senior Residential Dwelling Developments may be permitted under this Section V-P only within Senior Residential Development Districts. The boundary of the Senior Residential District is delineated on a map entitled "Senior Residential District, Town of Holliston dated September 21, 2001 and prepared by GLM Engineering Consultants" consisting of one sheet on file in the office of the Town Clerk, which map is hereby made part of this by-law."; or take any action relative thereto.

**Webmasters Note: The previous subsection (3.) has been amended as per Case No. 1881 from special town meeting dated 10/29/01.

4. Common Land and/or Open Space Requirement

a. Ownership of Common Land or Open Space - All common or open space land hereunder shall either be owned

(1) by a Condominium Association whose membership includes the owners of all units contained in the tract. The developer shall include in the deed to owners of individual units beneficial rights in said common land, and shall grant a separate conservation restriction to the Town of Holliston, satisfactory to the Holliston Conservation Commission and the Planning Board, over such land pursuant to Chapter 184, Sections 31-33, General Laws, to insure its perpetual use for those purposes approved by the Condominium Association under Section V-P 4b of this by-law and those purposes specified in Section 31 of chapter 184, General Laws. This restriction shall be enforceable by the Town through its Conservation Commission in any proceeding authorized by Section 32 of Chapter 184, General Laws. In addition, the developer shall be responsible for the maintenance of the common land until such time as the Condominium Association is capable of assuming said responsibility. In order to ensure that the association will properly maintain the land deeded to it under this section, the developer shall cause to be recorded at the Middlesex South District Registry of Deeds a Declaration of Covenants and Restrictions which shall, at a minimum, provide for the following:

(a) mandatory membership in an established Condominium requirement of ownership of any lot in the tract.

(b) provisions for maintenance assessments on all units in order to ensure that the common land is maintained in a condition suitable for the uses approved by the Condominium Association under Section V-P 4b of this by-law. Failure to pay such assessments shall create a lien on the property assessed enforceable by either the Condominium Association or the owner of any unit.

(c) provisions which, so far as possible under the existing law, will ensure that the restrictions placed on the use of the common land pursuant to section V-P 4b of this by-law will not terminate by operation of law.

(2) or, by the Town of Holliston, for park or open space use, subject to approval by vote of the Town Meeting.

(3) or, by a non-profit organization, satisfactory to the Planning Board, the principal purpose of which is the use and protection of common open space in perpetuity.

b. Status of Common Land or Open Space - The common land or open space shall remain undeveloped and in its natural state, but, subject to the approval of the Condominium Association and Conservation Commission under V-P 4a(1), to approval by vote of the Town Meeting under V-P 4a(2) or approval of such non-profit organization under V-P 4a(3) such land may be used for any of the following purposes:

(1) grazing, agriculture and forestry

(2) playing fields

(3) other outdoor recreational facilities permissible under Chapter 184, Sections 31-33, General Laws.

Use of the common land, when held by a Condominium Association, may be restricted to lot owners and their guests and other persons approved by the Condominium Association. Either the Condominium Association, the Town or such non-profit organization shall have the right to place reasonable restrictions on the use of the common land or open space which has been deeded to it in order to ensure its continuing suitability for the purposes authorized by this section, and no structure shall be erected upon said land except as incident to the above uses and no such structure shall be more than 15 feet in height. Further, the Condominium Association shall have the right to retain subsurface easements under the common or open space for the common benefit of the Association and its unit owners for public or private wells, utilities, subsurface drainage and subsurface sewage disposal systems.

c. Size of Common Land or Open Space - In no case shall less than twenty five (25%) percent of the total land area of the tract be set aside as common land or open space, hereinafter referred to as the "Minimum Common Land or Open Space"; of the Minimum Common Land or Open Space no more than one-half shall be classified as wetlands as defined by 310 CMR 10. Further, no less than one-fourth (1/4th) of the Minimum Common Land or Open Space which is not classified as wetlands, shall remain undeveloped and in its natural state.

d. Approval of Condominium Documents - The Master Deed, Condominium Trust and Unit Deed, Condominium Plan and any restrictive covenant shall be approved by the Planning Board.

5. Special Definitions - In addition to those contained elsewhere in the Zoning By-Laws.

a. AGE-RESTRICTED DEVELOPMENT OR SENIOR RESIDENTIAL DWELLING DEVELOPMENT - A multi-family development, on one parcel or contiguous parcels totaling at least fifteen acres in size, specifically designed and intended for persons of age fifty-five or over within the meaning of MGL, c. 151B, s. 4 (6) and 42USC, s. 3601, et seq. and approved under this Zoning ByLaw. One-hundred percent of the dwelling units within such a development shall each be occupied by a person who is fifty-five years of age and shall be subject to a deed restriction.

b. BUILDING AREA - The total ground area, taken on a horizontal plane at the finished grade level, of each building and accessory building but not including uncovered entrance platforms, terraces and steps.

c. FLOOR AREA - The total floor area of one dwelling unit within its exterior or common enclosing walls, exclusive of basement.

d. BASEMENT - A portion of a building situated partly or wholly below ground level.

e. BUILDING HEIGHT - The vertical distance measured from the mean finished grade of the ground adjoining the building; or the lowest finished grade under sloping conditions described in sub-section 6.c. hereof; to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between the eaves and ridge, for gable, hip and gambrel roofs.

f. SCREENING - A natural or constructed buffer that will serve to reduce noise levels, odors and/or act as an appropriate visual barrier of such size, kind and location as will protect the public, the neighboring properties and the occupants of the site units.

g. STREET LINE - The boundary of a street right of way.

6. Special Requirements - In addition to those contained elsewhere in the Zoning Laws of Holliston.

a. Building Separation - As a practical design goal, the desired distance between buildings shall be 35 feet. However, depending upon architectural, aesthetic, land planning, topographical and ground factors, the Special Permit Granting Authority may permit such distance to be less than 35 feet but in no case shall such distance be less than 20 feet.

b. Parking - On-site paved parking areas with minimum dimensions as specified in the Planning Board Regulations and adequate provision for aisles, drives, visitor parking and snow disposal shall be provided. All off-street parking shall be located a minimum of twenty feet (20') from property lines. Separate buildings and areas for parking garages may be permitted if located and designed so as to complement the building design and site layout. Each Unit shall have a minimum of two parking and/or garage spaces. Parking for any amenities such as a recreation building shall satisfy the requirements of Section V-C, Off Street Parking.

c. Building Height - No building shall exceed two and one-half stories in height exclusive of basements, or thirty-five feet (35') in height.

d. Dwelling Units Per Building - No structure containing senior residential dwellings shall contain less than two (2) or more than twenty-four (24) dwelling units.

e. Dwelling Unit Space - All dwelling units shall have minimum floor areas as follows:

(1) One bedroom unit 700 square feet

(2) Two bedroom unit 850 square feet

(3) Three bedroom unit 1000 square feet

f. Minimum Lot Size - The minimum lot size for a Senior Residential Dwelling Development is 15 acres. However the minimum lot size shall be S acres if the property or portion thereof is located within the V-C or within 1000 feet of the V-C district.

**Webmasters Note: The previous subsection, f, has been amended as per Case No. 2050 from town meeting dated 5/6/02.

g. Road Length - The maximum length of a private dead end street shall not exceed 3,000 feet, provided however, no section of the private dead end street shall exceed 1,000 feet without a portion of the street having two (2) separate access points (such as a looped road), and provided further, turn around areas shall be spaced not more than 750 feet apart.

h. Density - The total number of dwelling units shall not exceed five (5) times the total number of acres in the tract.

i. Bedrooms - No senior residential dwelling unit shall have more than three (3) bedrooms.

j. Screening - All sewage facilities, service areas and equipment, conveniences and recreational areas shall have screening from abutting properties.

k. Setback Dimensions - No portion of any senior residential dwelling building or accessory building shall be less than fifty feet (50') from any abutting properties outside of the development.

l. Environmental Protection - There shall be no filling, draining, altering or relocation of any stream, lake, pond or wetland except that performed in full compliance with applicable laws, the requirements of all pertinent governmental agencies, and the requirements and recommendations of the Special Permit Granting Authority.

m. Exterior Antennas - Individual outdoor antennas or other apparatus for radio or television reception or transmission are forbidden, except that master antennas serving multiple numbers of units may be allowed subject to Special Permit Granting Authority approval.

n. Exterior Lighting and Screening - Non-glaring exterior lighting shall be planned, installed and operated so as to best serve each building or group of buildings. Parking areas, drives and other roadways shall be designed and landscaped so as to insure that all dwelling units are screened from motor vehicle headlights.

o. Landscaping - The site shall be preserved and enhanced by retaining and protecting trees, shrubs, ground cover, stone walls and other site features

insofar as practicable. Additional new plant material shall be added for privacy, shade, beauty of buildings and grounds. Landscape Screening shall be provided for within required setbacks.

p. Recreation - Suitable outdoor recreation space, with adequate provisions for activities shall be permitted, such as common open space for recreation such as walking paths. Any such applications for recreation shall contain measures to assure proper maintenance.

q. Roadways - Roads and driveways within the development shall meet such width, grades, and construction standards as the Planning Board shall determine, based upon the standards provided in the regulations governing subdivisions, as the same may be waived or modified by the Planning Board to meet site conditions and design requirements.

r. Rubbish Disposal - Rubbish and garbage disposal facilities with screening shall be provided in full conformity with all applicable health or other laws and regulations and shall be protected against scattering of contents, rodent or other unhealthy infestation or condition or odor transmission.

s. Water, Sewerage and Utilities - All supply lines shall be underground.

t. Restrictions and Easements - Restrictions, easements or other appropriate legal agreements shall be furnished to the satisfaction of the Special Permit Granting Authority that will protect such amenities in perpetuity. Such agreements shall be duly recorded and become fully effective before any senior residential dwelling multi-family development work commences.

u. Occupancy - Each unit in a senior residential dwelling development shall be occupied by at least one person age fifty-five (55) or older. Children under the age of eighteen (18) may not reside in a senior residential dwelling unit for more than six (6) months in any nine (9) month period. In the event of the death of the qualifying owner/occupant(s) of a senior residential dwelling unit, foreclosure or other involuntary transfer such as by a Court Order of a senior residential dwelling unit which creates a disqualifying transfer, a two (2) year exemption shall be allowed for the transfer of the unit to another eligible household.

v. Exterior Signs-The following exterior signs are permitted:

(a) All signs permitted under Section V-B Exterior Signs, Subsection 1 of this Zoning By-Law.

(b) One non-flashing sign not over twelve square feet on the premises indicating the name of the development at each entrance to or from a public way.

7. Private sewage disposal systems or treatment plants shall be allowed in Senior Residential Dwelling Developments established pursuant to the requirements of a Special Permit Granting Authority.

8. Administration

a. Application Procedures - To file an application for a Special Permit for a senior residential dwelling unit or development, a party entitled to do so shall file an application complying with the Rules and Regulations of the Planning Board for Site Plan Review submittals. In addition, the following design and other documents shall be made a part of every such application with each site plan, architectural drawing, and statement required hereunder to be prepared professionally trained and registered persons who are qualified by both education and experience to prepare the particular plan, drawing or statement involved:

(1) Architectural drawings including floor plans of dwelling units, overall building plans, sections, elevations and construction details. This shall be supplemented by architectural renderings of proposed finished buildings and surroundings.

(2) written statement of proposal to include:

(a) A description of the number of parking spaces to be provided, the size and use of the facilities, including conveniences, to be constructed and the structural system to be employed.

(b) Computations showing the percentage of building area per lot area and stating the floor area of the planned dwelling units.

(c) An impact statement or statements depicting the projected effect of the proposed development in relation to the Intent and Objectives previously set forth herein and the suitability of the soils to accommodate sewage disposal systems shall be furnished by engineers, hydrologists and other parties as appropriate, all of whom shall be professionally qualified in their respective fields.

(d) Financial information including the value of the units and the project upon completion, together with a schedule of completion and the estimated tax revenues of the project over a five-year period after completion. Included in the revenue schedule should be a projection of increased costs of public services from the project (i.e. schools, roads, police, fire, etc.).

(e) All other statements pertinent to the proposal, such as provisions for the permanent protection of open space, conservation areas and features of historical interest, said provisions to run with the land.

b. Bonding - In granting the Special Permit, the applicant may be required by the Special Permit Granting Authority to file with the Town a bond or bonds or other security or securities satisfactory to the Special Permit Granting Authority guaranteeing performance of the conditions of such Special Permit either by the entirety or by completion of phases thereof, all according to the terms of such Special Permit.

c. Findings - In granting a Special Permit, the SPGA shall make the following findings:

- (1) The site is appropriate for senior residential use and there are supportive services within a reasonable distance or reasonable transportation services are being offered in the petition.
- (2) The use will not create a hazard or nuisance to abutters, vehicles or pedestrians on the site or adjacent roadways.
- (3) Adequate and appropriate facilities (e.g. parking and recreation) have been provided.
- (4) The development includes appropriate measures to control and mitigate drainage and traffic impacts.
- (5) The development will not have a negative impact upon Town services.
- (6) Exterior design and layout is in harmony with the character of the surrounding properties and the Town.
- (7) The Development does not have a detrimental impact on the neighborhood or the natural environment and is in harmony with the long-range plan of the Town.

Hopedale *Does zoning include any provisions for housing that is restricted by age?*

Yes There is a provision for including age-restricted units in the Performance Residential Development:

"Elderly Housing Provision.

When in its judgement, the public welfare and convenience will be served, performance the Planning Board on approving a definitive site plan for a Performance Residential Development, may require as a condition the following:

Up to twenty-five (25) percent of the living area for the center residential ring be assigned to elderly living units.

Of the stimulated elderly units, at least fifteen (15) percent shall be designed barrier-free. Fractional units shall be rounded up to the nearest whole unit."

Hopkinton *Does zoning include any provisions for housing that is restricted by age?*

Yes TOWN OF HOPKINTON
ZONING BYLAW
ARTICLE XVIA

Senior Housing Development

[Added 5-3-1999 ATM, Art. 21; amended 5-5-2003 ATM, Art. 23]

~ 210-105.1. Intent and purposes; planning, design, conservation and development objectives.

A. General intent and purposes. It is the intent and purpose of this Senior Housing Development Article to maintain a working balance in the Town of Hopkinton between the demand for housing for older residents and its rewards on the one hand and the human need for our natural resources and their maintenance on the other. The Town of Hopkinton cannot and should not prevent its citizens from owning, selling and developing their land. But it is also a fundamental and important truth that with each new house and each cut tree the environment and ecology of the Town changes. Therefore, the control and maintenance of a reasonable balance between new development and the preservation of the town's natural resources is a legitimate area for public concern and legislation. It is, therefore, the intent of the Town that this article shall provide for the reasonable protection of its natural resources by properly conserving its land as development takes place. This shall be accomplished by establishing a procedure whereby each proposal for senior housing development will be reviewed separately and judged by standards designed to protect both the special quality of the site and its environs and the Town and its environment against misuse or over-development of the land. In this article, the guiding principle in judging apartment proposals will be the variety and diversity in the proposed development and the care shown by the developer in conservation, site planning and building design as applied to the specific parcel of land proposed for development.

B. General objectives. The following planning, design, conservation and development objectives will apply to all proposals for senior housing construction in Hopkinton:

- (1) To provide new housing for older residents of varying economic levels.
- (2) To promote the beneficial use and conservation of land by relating proposed buildings to the unique features, conditions and natural qualities of the site.

Beneficial use shall be measured in terms of topography, surface and subsurface soil and drainage conditions, location with respect to adjacent or existing streets, buildings or other natural features, the type and size of trees to be retained or removed, the use and retention of natural ground cover, open space, water, swamp, other natural water source or feature, stone walls, ledge or any other feature of recognized conservation or historical significance.

(3) To facilitate sound and orderly public and private development in Hopkinton by relating a senior housing proposal to any public Master Plan for land use, conservation, streets or public facilities.

(4) To recognize the importance of diversity and variety in the exterior quality, appearance and design of structures by rejecting monotonous, look-alike designs and to encourage those designs that are specifically designed for and related to the special conditions and features of the proposed site.

(5) To conserve and preserve the significant and unique natural features of the proposed site in their natural state and ensure or provide for their permanent protection from future encroachment or development. Permanent protection of the undeveloped, conservation or open space portion of the development site shall be

assured by a legally binding agreement running with the land, which shall permanently protect a minimum of 30% of the development site as open space.

(6) To give encouragement to owners and developers to produce the highest quality design in the structures to be built by using visual space planning applied to other site development elements, such as parking areas, wooded or conservation areas, adjacent streets, accessory buildings, lighting and open areas.

(7) To give fair and full consideration to the opinions and statements of abutting property owners at the public hearings required for each application.

(8) To provide for design review of all proposals prior to construction, to ensure compliance with the above intent and objectives and to assure that the proposal will not result in or contribute to incompatible use of the land, pollution of the soil or groundwater, traffic congestion or inappropriate site development.

~ 210-105.2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BASEMENT -- Any portion of a structure below the first story.

CONDOMINIUM -- A method of ownership whereby an individual may own separately one or more single dwelling units in a multifamily building or project. Said individual and other owners of such units may have an undivided interest in the common areas and facilities that serve the unit or project, such as land, roofs, floors, main walls, stairways, lobbies, halls, parking areas, driveways, recreation areas, open space areas and natural landscaped and/or conservation areas. Said individual may take title to his individual dwelling unit or units, vote on a proportional basis in all respects of his undivided interest in common areas, be taxed separately by the Town for the individual dwelling unit or units and may have a mortgage on the individual dwelling unit.

FLOOR AREA -- The sum of the horizontal area of the several floors of a dwelling unit measured from the outside, excluding cellar floor areas, basement rooms, garages, porches and open attics or unfinished rooms, and for which a certificate of occupancy has been issued as habitable living quarters. In split level houses, the first two levels may be counted as one floor, provided that the difference in floor levels is less than five feet.

HALF-STORY -- Any place under the gable hip or gambrel roof, the floor of which is not more than two feet below the plate.

SCREENING -- A suitable area that will serve as a buffer to adjacent properties, will reduce noise levels and partially obscure any structures.

SENIOR HOUSING DEVELOPMENT -- A multifamily residential land use consisting of multiple dwelling units on one single contiguous parcel, with the intent that at least one resident of every unit be 55 years of age or older.

STORY -- That portion of a building above the finished grade included between the floor and the ceiling or roof above it.

USABLE LAND -- Excludes wetland and floodplains as defined in MGL c. 131, ~ 40, and areas with slopes of more than 15%. For the purpose of calculating density, 20% of unusable land may be considered usable.

~ 210-105.3. Use regulations and dimensional requirements.

A. Use districts. Senior housing developments, under single ownership or as condominiums, shall be allowed by special permit in all districts where residential uses are permitted by right in accordance with the requirements and regulations set forth in this Chapter.

B. Dimensional requirements. The following lot sizes, setbacks and regulations must be adhered to by each applicant:

(1) Anyone wishing to build a senior housing development may do so only on a site containing an area of not less than 10 acres of usable land, but not more than 30 acres of usable land per project and/or application. The minimum lot frontage shall be 200 feet on a public road.

(2) Density: maximum average of eight bedrooms per acre of usable land.

(3) The total ground floor area of apartments, garages and accessory buildings shall

not exceed 20% of the site area.

(4) One-bedroom units shall contain a minimum of 600 square feet of floor area.

Two-bedroom units shall contain a minimum of 800 square feet of floor area.

(5) Buildings shall not exceed 2 1/2 stories in height and shall contain a maximum of 4 units. The number of detached single-family dwelling units shall not exceed

90% of the total number of dwelling units in the project.

(6) Parking spaces. There shall be provided two parking spaces per unit, at least one of which shall be located so as to provide convenient access to its assigned dwelling unit. Parking garages will be permitted as a parking space if located and designed so as to complement the building design and site layout.

(7) Setbacks. All buildings must be located a minimum of 100 feet from any side or rear lot line and 100 feet from any established street layout or, where applicable, any defined street line of a public road, which street setback area shall be undeveloped and/or landscaped. Upon a finding by the Planning Board that a setback of lesser width would be sufficient to visually screen and/or separate the development from adjacent property, the setback may be reduced. The Board may require no-cut easements, conservation restrictions or the like where the setback has been reduced. Buildings shall be located a minimum of 20 feet from interior roadways and driveways which are not considered streets or public roads.

(8) Maintenance of roads. Maintenance of roads and driveways, including snowplowing within the project limits, is the responsibility of the project owner and not the town.

(9) Lighting. All lighting must be directed away from adjoining property.

(10) Signs. Signs are subject to such limitations of size and usage as may be imposed by the Planning Board.

(11) Rubbish disposal. Rubbish disposal shall be provided for by the owner and not by the town. There shall be no outside burning of rubbish. Inside incinerators which are approved by the Planning Board may be allowed.

(12) Underground utilities. Underground utilities are mandatory and shall be installed in accordance with the standards contained in the Subdivision Rules and Regulations of the Town of Hopkinton.

(13) Recreation area. Suitable recreation space of at least 600 square feet per dwelling unit shall be provided. Such areas shall be suitable for the siting of active recreational facilities and shall be in addition to the open space required for the project. Such recreation areas may be contiguous to the open space or may be separately located.

(14) Landscaping. Suitable landscaping materials no less than 15 feet in width must be placed along property lines to provide screening if there is no suitable natural growth in these areas. No solid fences shall be allowed. The screened area may be included in the required setback distances.

(15) Suitability of land area. Natural watercourses and ponds may not be altered, filled, drained or relocated. Any pond that has been in existence for over 25 years shall be deemed to be a natural pond. Floodplain or marshes may be included as part of a lot, but may not be altered, filled, drained or relocated and may not be used for building sites, sewage disposal areas or ways.

(16) Distance between structures. The distance between structures shall be no less than the average height of the two structures or 20 feet, whichever is greater. Such distance shall include any garages or other accessory structures.

(17) Road Construction. Roads are to be constructed in accordance with the Design Standards and Construction Requirements of the Subdivision Rules and Regulations of the Town of Hopkinton with the exception of width and length, which shall be determined by the Planning Board based on the specific characteristics of each plan submittal. The Planning Board may grant waivers from the Design Standards and Construction Requirements if the Board determines that such waiver will not result in any substantial detriment to the public good or substantially derogate from the intent or purpose of such Standards or Requirements or of this Chapter. All requests for waivers must be in writing and must be submitted to the Board at the time of plan submittal. Inspection of the roads during construction shall be in accordance with the procedures contained in the Subdivision Rules and Regulations and the inspection process shall be administered by the Planning Board. Such procedure shall include the payment of any fees or deposits for the inspections as required by the then applicable Subdivision Rules and Regulations. [Amended 5-5-2003 ATM, Art. 23]

(18) Open space, as described in ~ 210-105.1B(5) shall consist of a minimum of 30% of the development site and shall be clearly delineated and defined on the site plan of each application. It is the intention of this article that the open space shall

generally occur as a single contiguous area of open space which shall retain those natural features of the site most worthy of preservation in their natural state.
(19) Wherever possible, pedestrian connection to local services shall be incorporated into the site design to lessen the dependency on the automobile.

Hudson

Does zoning include any provisions for housing that is restricted by age?

Yes

5.8 RETIREMENT COMMUNITY OVERLAY DISTRICT

5.8.1 PURPOSE

5.8.1.1 The purpose of the Retirement Community Overlay District is to provide people over fifty-five (55) years of age the opportunity to live in a residential neighborhood designed specifically for their needs, equipped with the appropriate amenities and located within reasonable proximity to shopping and services.

5.8.2 ALLOWED USES

5.8.1.2 Besides those uses permitted in the underlying districts, a retirement community shall be allowed in a Retirement Community Overlay District by special permit of the Board of Appeals pursuant to section 8 of these by-laws, and subject to the following conditions:

A retirement community shall consist of structures constructed expressly for use as housing for persons fifty-five or over, on one parcel or on contiguous parcels of land totaling at least thirty acres.

No building shall be more than two and one-half stories in height.

Each building shall face either upon an existing street or upon a public or private way constructed within said retirement community, and shall have a minimum front yard of no less than 20 ft. from the edge of the paved way to the closest point of the structure, and a sideyard of no less than 10 ft. from the edge of the paved way to the closest point of the structure. Each building, whether principal or accessory, shall be at least 20 ft. distant from any other building by air line distance between the nearest points of the buildings.

No dwelling shall contain less than 1,000 sq. ft. of living area or more than 2,400 sq. ft. of living area. At least 66% of the living area in each unit shall be located on the first floor.

All dwelling units shall be detached from the others or attached only along sidewalls in the so-called "townhouse" style.

The lot or lots on which a retirement community is located shall contain at least 5,000 sq. ft. per unit in the retirement community.

No part of any principal building shall be within 25 ft. of any exterior lot line, or less than 50 ft. from the side line of a public way.

Each dwelling unit shall have its own attached yard area.

Required off street parking for each dwelling unit shall be adjacent thereto. Each unit shall be required to provide one parking space inside a garage and an additional space in front of a garage, said garage to be attached to said unit.

Maximum lot coverage in a retirement community shall not exceed 50% of the total lot size, excluding from lot size any land which, prior to development of the site as a retirement community, would be defined as a freshwater wetland as that term is defined in Mass. General Laws Ch. 131 sec. 40.

Each lot or contiguous lots upon which a retirement community is located shall have frontage on an or access to a public way.

The Board of Appeals may, as a permit condition, require that all proposed condominium by-laws or similar binding retirement community regulations which may be relevant to the issuance of the permit, including but not limited to by-law provisions prohibiting the presence of children residing in the retirement community and limiting or prohibiting the presence in the retirement community of boats, boat trailers, or recreational vehicles, be made a part of the special permit, and that any change to or failure to enforce said provisions shall be a violation of said special permit.

Hull

Does zoning include any provisions for housing that is restricted by age?

No

From ordinance.com:

Section 43 - Flexible Plan Development

43-1. Purpose

For the purpose of promoting the more efficient use of land in harmony with its natural features and in furtherance of the general intent of this bylaw to protect and promote the health, safety, convenience and general welfare of the inhabitants of the town, the Board of Appeals may grant a special permit for a Flexible Plan Development subject to the regulations and conditions contained in this section.

43-2. Permitted Use

In a Flexible Plan Development, the following uses is permitted:

- a. Multi-family residential use, including garden apartments and town houses.
- b. Hotels, motels, inns and marinas.
- c. Convenience commercial uses normally found servicing multi-family residential use such as foods, hardware, office, banks, news store, drug store, luncheonette, laundry, barber and beauty shops and variety store.
- d. Accessory uses normally associated with permitted uses in Paragraph 35-1A such as cocktail lounge, restaurant, beauty and barber shop, drug store, news stand, and similar uses designed to serve transient patrons provided such uses are located in the confines of the principal building.
- e. Public open space and recreation.

43-8. Board-Modified Number of Dwellings

The Board of Appeals may approve an increase in the maximum number of dwelling units allowed in accordance with the following bonus schedule. The total bonus allowed shall not exceed 10 dwelling units per acre.

AMENITY BONUS

- a. 40% of proposed dwelling units devoted to elderly or handicapped housing up to 5 additional dwelling units per acre.
- b. Minimum 20 foot buffer strip around entire project area up to 5 additional dwelling units per acre.
- c. Active recreational facilities open to the public such as tennis court and public such as tennis court and up to 5 additional dwelling units per acre.
- d. Proposed dwelling units provide 50% of heating and hot water requirements by means of solar energy up to 5 additional dwelling units per acre.
- e. Underground parking, for proposed dwelling units up to 5 additional dwelling units per acre.
- f. Passive marine related recreational facilities open to the public such as waterfront park or boat landing facilities up to 5 additional dwelling units per acre.
- g. Other normally accepted incentive bonuses up to 5 additional dwelling units per acre.

Ipswich

Does zoning include any provisions for housing that is restricted by age?

Yes

"f. multi-family dwelling, provided that:

(i) at least 50% of the units are limited to those over the age of 55 as described in M.G.L. Chapter 151B, Section 4(6). Any special permit approval shall include a condition which describes an appropriate method of ensuring that this provision is satisfied;"

Town of Ipswich Protective Zoning Bylaw (Adopted 1977, Amended 2004)

H. Great Estate Preservation Development (GEPD)

Adopted at Special Town Meeting 10/20/97; approved by Attorney General 2/10/98; and revised at Annual Town Meeting 4/6/98; approved by Attorney General 6/2/98; Special Town Meeting 4/5/99, and Annual Town Meeting 4/5/99; approved by Attorney General 8/2/99, and 7/28/99 respectively)

The following density standards and development requirements shall apply to a GEPD approved by a special permit from the Planning Board in lieu of the zoning provisions otherwise applicable in the RRA zoning district.

1. Purpose

The purposes of a Great Estate Preservation Development (GEPD) are to:

- a. encourage the preservation and appropriate development of the building and lands of the large estate properties in the RRA District (For the purposes of this subsection, a Great Estate is defined as an architecturally significant residence and its formal landscape features and supporting structures, constructed prior to 1948 and situated on a minimum of sixty [60] acres.);
- b. recognize and preserve the design integrity of landscape features, both natural and built, which contribute to the character of a Great Estate;
- c. encourage the efficient use of such land in harmony with the natural features of the RRA District;
- d. provide an alternative to the subdivision of an estate property for residences;
- e. preserve open space for conservation or recreation use, and provide appropriate public access to said open space; and
- f. protect natural features which are important to the character of the town.

2. Permitted Uses

The following uses may be permitted in a GEPD by special permit with site plan approval from the Planning Board, as set forth in this subsection:

- a. any use listed in the use schedule as an allowable use in the RRA District, whether by special permit or otherwise, except that residential dwelling use shall not exceed forty-five (45%) percent of the maximum floor area which may be developed pursuant to this GEPD zoning, unless said residential dwelling use meets the following conditions, in which instance the residential dwelling use shall not exceed forty-five percent (45%) of the maximum floor area of the GEPD: (a) the residential dwelling use is located in a GEPD which has an area of at least two hundred (200) acres which has remained substantially unchanged in lot configuration and size since December 31, 1996; (b) a minimum of twenty-five (25) affordable housing units shall be built; if the total number of residences constructed exceeds 180 units, the developer shall also provide 15% of the total on-site market units built in excess of this number as affordable housing, or in lieu of constructing the additional affordable units, subject to the approval of the Planning Board, the developer may contribute a payment of \$50,000 for each additional affordable unit to a fund to be used for the purpose of creating or sustaining affordable housing in the Town of Ipswich. Affordable units shall be as defined in f.(ii) below, except that up to one-third of the affordable units may be rented or sold to, and occupied by, households earning up to 120% of the median area household income. At least ten of the affordable units shall be located within the GEPD. Affordable units constructed off-site shall be done so in compliance with SECTION IX.I.5. of this zoning bylaw; (c) no more than two hundred thirty-five (235) dwelling units, inclusive of the on-site affordable units, shall be built on-site; (d) no more than 50% of the units may contain more than two bedrooms, and non of the units shall contain more than three bedrooms; and (e) each 1000 square feet of residential dwelling built in excess of 25% of the maximum floor area which may be developed pursuant to this GEPD zoning. [Amended 10/16/00]
- b. hotel, conference center...
- c. medical and dental clinics;
- d. health or fitness spa. ...
- e. school for instruction in golf, tennis, or other sport; golf driving range, provided it is affiliated with a golf course which is a component of the GEPD;

f. multi-family dwelling, provided that:

(i) at least 50% of the units are limited to those over the age of 55 as described in M.G.L. Chapter 151B, Section 4(6). Any special permit approval shall include a condition which describes an appropriate method of ensuring that this provision is satisfied;

(ii) at least 10% of the total units are affordable housing. (For the purposes of this subsection, affordable housing shall be defined as dwelling units which are rented or sold to, and occupied by, households earning up to 80% of the median area household income, as such median is defined by the United States Department of Housing and Urban Development (HUD). Affordable rental units shall be "rent restricted", as such term is defined in the Federal Low-Income Homing Tax Credit Program, Internal Revenue Code Section 42(g)(2), such that rents, including utilities, are set at no more than thirty (30) percent of the income limit, adjusted for bedroom size.);

g. nursing homes;

h. business and professional offices;

i. retail shops, dining facilities, and similar accessory uses primarily to serve occupants, employees or guests;

j. research offices or establishments devoted to research and development activities; and

k. the processing of biotechnological products arising out of, or substantially similar to, the research and development activities of a research office or establishment on the same lot; provided, however, that (a) said use shall require a separate special permit from the Planning Board; (b) recognizing the unique manner in which each user may conduct its biotechnological processing, any special permit issued for such a use shall be limited to a specific user and any change in control of a corporate user shall require a new special permit for a subsequent user (For the purposes of this subsection, change of control shall be defined as (i) the sale by the user of its operating assets located on the lot to an unaffiliated entity; (ii) a merger or consolidation resulting in the stockholders of the user owning less than one-half of the stock of the surviving corporation; or (iii) the sale of more than one-half of the issued stock of the user to parties who were not stock-holders of the user at the time of the approval of the special permit); (c) at no time shall more than thirty-five (35%) of the constructed floor area be primarily devoted to such processing; and (d) the Board determines, upon consultation with the Board of Health and the Water Commissioners, that said processing use is not detrimental to the health, safety, and welfare of the community.

3. Density Standards

a. Minimum Lot Size: A GEPD may be permitted on a lot which:

- (i) has an area of at least sixty (60) acres which has remained substantially unchanged in lot configuration and size since December 31, 1996. Contiguous lots may be combined for inclusion in a GEPD, provided that at least one of the lots contains sixty (60) acres and has remained substantially unchanged in lot configuration and size since December 31, 1996. The calculation of minimum lot size shall be done in accordance with paragraph b.(iii) below; and
- (ii) is a great estate as defined in 1.a. above; and
- (iii) contains buildings constructed prior to December 31, 1996 which contain in aggregate a minimum of 40,000 square feet of existing floor area. For the purposes of this subsection, floor area is defined as the aggregate gross floor area of all floors within all principal and accessory buildings.

b. Floor Area of Development:

(i) New Floor Area: For the purposes of determining the total new floor area which may be developed on the lot, the applicant may construct new floor area in the development such that the total resulting floor area does not exceed the product of 3,000 square feet times the number of dwelling units which could be developed under normal application of one-acre zoning requirements under the "Town of Ipswich Rules and Regulations Governing the

Subdivision of Land" and in accordance with SECTION VI. of this zoning bylaw. The applicant shall provide with the application for special permit a site plan with verifiable soil tests indicating the number of buildable lots possible under detached single-family zoning, the State Environmental Code, Title V, the requirements of the Board of Health, the Wetlands Protection Act, and the Ipswich Wetlands Protection Bylaw and Rules and Regulations. Such soil tests shall be conducted as if they were actually percolation tests in accordance with the above-referenced requirements and shall be verified and attested to by a registered professional engineer.

(ii) Additional Floor Space for Rehabilitation of Existing Buildings: If, as part of the development, the applicant rehabilitates or renovates existing buildings on the lot, the new floor area to be developed on the lot may be increased by five (5) square feet for every square foot of floor space in buildings to be rehabilitated or renovated. This density bonus shall apply only if all buildings and structures on the site certified by the Historical Commission as having historic or architectural significance, are to be rehabilitated or renovated. The Planning Board shall refer to the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings for guidance when reviewing the buildings which have been, or are proposed to be, rehabilitated or renovated.

(iii) Wetlands/Coastal Exclusion: For a lot which contains wetlands and/or floodplain, or which is subject to the Rivers Protection Act, only one-half the area which is designated as wetlands and/or floodplain, or is subject to the Riven Protection Act, may be considered in the lot area calculations. For the purposes of determining lot area, the Federal Insurance Floodplain Maps (FIRM) and the Town of Ipswich General Wetlands Bylaws shall be used to determine floodplain, wetlands, and areas subject to the Rivers Protection Act.

(iv) Maximum Density: The total allowable floor area obtained through the application of the formulae described in sub-paragraphs (i) and (ii) above, shall not exceed eight percent (8%) of the area of the lot.

4. Development Requirements

a. Town Water: The development shall be served by a water system deemed adequate for fire protection and domestic use by the Water Commissioners and by the Fire Chief

b. Sanitary Sewer/Septic: The development shall be served by the Town's sanitary sewer system or by one or more on-site disposal systems conforming to the State Environmental Code, Title V and the regulations of the Board of Health. If, however, in the judgment of the Board, the topography and/or soil conditions are such that it would be more efficient to allow (i) a private central sanitary sewer system, notwithstanding the lot's location in a Water Supply District, and/or (ii) allow an underground common septic system or individual septic systems to be placed in the preserved open space, this configuration may be permitted. Prior to making such judgment, the Planning Board shall seek the review and recommendations of the Board of Health, Department of Utilities, Board of Water Commissioners, and the Conservation Commission. If a GEPD is located within a Water Supply District and a private central sanitary sewer system is proposed, the Planning Board shall not approve a special permit under this subsection unless and until said system shall have received a favorable recommendation from the Board of Water Commissioners, which recommendation shall not be unreasonably withheld. All systems are further subject to approval by the Board of Health and any other governmental authority having jurisdiction.

c. Open Space Restriction: A minimum of thirty (30%) percent of the lot shall either be:

(i) conveyed to the Town of Ipswich and accepted by it for open space use;

(ii) conveyed to the Commonwealth of Massachusetts as part of a state forest, park, or wildlife management area;

(iii) conveyed to a non-profit corporation, the principal purpose of which is the conservation of open space, and made subject to a conservation restriction prepared in accordance with the provisions of Section 31 and 33, inclusive, of Chapter 184 of the General Laws of the Commonwealth of Massachusetts;

(iv) made subject to a conservation restriction prepared in accordance with the provisions of Section 31 and 33, inclusive, of Chapter 184 of the General Laws of the Commonwealth of Massachusetts running in favor of either the Town or, upon the approval of the Planning Board, a non-profit corporation, the principal purpose of which is the conservation of open space. The conservation restriction shall provide that such land shall be kept, in perpetuity, in an open or natural state, in accordance with the above-noted sections of Chapter 184 of the General Laws.

In designating the open space, the applicant shall apply the guidelines adopted by the Planning Board in May of 1997, entitled CRITERIA FOR EVALUATING PROPOSED OPEN SPACE. At least a portion of the open space shall be available for use by the general public, unless the applicant can provide compelling reasons to the Planning Board why such access would be infeasible. If it is deemed necessary to achieve the purposes of this subsection, the Planning Board may increase the open space minimum requirement by not more than ten (10) percent.

d. Dimensional Regulations

(i) A minimum setback of one hundred (100) feet shall be provided between a GEPD and abutting lots, and a buffer strip consisting of vegetated area with a minimum depth of one hundred (100) feet shall be provided between the GEPD and any street line. An entry drive, along with a gate house and appropriate signage, may be permitted within the buffer strip. If a boundary line of the GEPD is adjacent to permanent open space, such as Town, State, Federal or privately-restricted open space, the Planning Board may require that the first thirty (30) feet of the setback from such open space be a landscaped buffer. The Planning Board may decrease or increase by not more than twenty (20%) percent any buffer area requirement if, after site plan review by the Board, the Board deems such action to be reasonable and appropriate.

(ii) The area developed for commercial use, including buildings, parking, outdoor recreational structures, and areas paved for vehicular use, shall not exceed twenty (20%) percent of the total area of the lot. Walking or bicycle trails shall not be counted in the calculation of the twenty (20%) percent limitation.

(ii) The development shall be subject to site plan review in accordance with the provisions of SECTION X.

(iv) Newly constructed or renovated buildings in a GEPD may be four stories in height, provided that the building height does not exceed the maximum height allowed under SECTION VI.G.2. of this bylaw.

(v) Notwithstanding anything to the contrary contained in this zoning bylaw, in granting a special permit and site plan approval for a GEPD, the Planning Board may reduce any of the foregoing dimensional requirements, or increase the height requirement, to a maximum of twenty-five (25) percent, provided that in no instance shall a building contain more than four stories.

(vi) Newly constructed buildings in a GEPD, other than gate houses, shall be setback at least two hundred fifty (250) feet from a public way.

e. Streets and Further Subdivision: Any subdivision of the GEPD which is subject to MGL C.41 shall be in accordance with the Rules and Regulations Governing the Subdivision of Land in the Town of Ipswich. After issuance of a GEPD special permit and site plan approval, and establishment of the required open space for the GEPD, as a whole, the GEPD may be subdivided into lots which may be less than sixty (60) acres and may be held in separate ownership, provided that each portion of the subdivided site remains subject to all of the applicable terms and conditions of (i) the GEPD special permit, and (ii) the site plan approval for the improvements on such portion of the site.

f. Phasing: Phasing of the GEPD, as approved by the Planning Board, shall be permitted either pursuant to phasing described in the initial special permit application or in subsequent special permit or site plan review applications. The special permit and site plan approval shall not be deemed to have lapsed so long as the applicant shall have commenced use of the Great Estate Preservation special permit or site plan approval in substantial accordance with the phasing time frames set forth in the special permit and site plan approval application. The Planning Board shall have the authority to require a performance bond or other similar mechanism if it determines that such a mechanism is necessary to ensure that the key components of the project are satisfactorily completed.

5. Special Permit Application Process...

From Ipswich Community Development Plan:

HOUSING POLICY 2: Expand the areas throughout the Town where multi-family residential development and senior housing is allowed by special permit.

ACTION STEPS:

H2-1. Senior Housing Use Category: Housing for senior citizens is an important need in Ipswich, and will become even more critical in the future, as the elder population continues to grow. In addition, housing for seniors generally has much lower impacts (e.g., traffic and schoolchildren) than other single-family or multi-family housing, and therefore can be part of a comprehensive growth management strategy. Accordingly, the Town should consider adding senior housing as a separate use category in the "Table of Use Regulations." Senior housing could include retirement communities for active seniors as well as assisted living arrangements (nursing homes are already allowed by special permit in the residential districts). In order to give the Town adequate control over the siting and design of senior housing projects, such developments should require a special permit. Appropriate districts for senior housing could include all of the residential districts as well as the business districts.

In conjunction with adding senior housing to the Table of Use Regulations as a special permit use, the Town should adopt a senior housing bylaw to guide the design and development of such projects. These provisions could vary by district. For example, senior housing in the Rural Ipswich Community Development Plan Page 31 Housing Action Plan

Residence and Highway Business districts could be buffered from main roads and set amid open space and walking trails, whereas senior housing in the Intown Residence, Village Incentive, Central Business, or General Business districts could be integrated into the surrounding neighborhood and accessible to downtown by sidewalks.

Kingston

Does zoning include any provisions for housing that is restricted by age?

Yes

Town of Kingston Zoning Bylaw (Adopted 1955, Amended 2004)

Section 5.3.9. PLANNED RESIDENTIAL DEVELOPMENT FOR SENIORS (PRDS)

5.3.9.1. Purpose and Meanings of Term

a. Purpose: The purpose of PRDS is to provide alternative housing for residents who are 55 years in age or older.

b. A unified, self contained residential retirement community, constructed expressly for and specifically limited to use and residency by persons who are fifty five (55) years of age or older, and including one or more types of residential dwellings, undertaken in accordance with an overall plan, incorporating a consistent architectural concept and incorporating the preservation of natural areas within the development.

5.3.9.2. GENERAL REQUIREMENTS

a. Any PRDS shall contain a minimum area of not less than twenty (20) acres, of which at least ten (10) acres constitute a developable site as defined in

Section 5.3.4.h. exclusive of any and all easements or covenants restricting in any way the use of said minimum area.

b. Any person who resides in a PRDS shall be fifty-five years in age or older.

c. Covenants or Deed Restrictions, reviewed by Town Counsel and accepted by the Planning Board shall provide that the dwelling units of the PRDS shall be occupied by persons fifty five (55) years of age and older except for guest visiting for short durations not to exceed thirty (30) days in a calendar year.

d. The maximum number of dwelling units in any specific PRDS shall not exceed four percent (4%) of the total number of dwelling units in the Town as shown on the records of the Board of Assessors for the year in which the application is filed.

e. Any PRDS shall be served by a minimum of two (2) access roads or drives unless a divided access road or drive is approved by the Planning Board.

f. Any PRDS containing town houses shall have a continuous vegetated buffer of not less than fifty (50) feet around the entire development.

g. Any PRDS shall contain a Community Center for the use, recreation, and enjoyment of the residents of the PRDS that is at a minimum, a gross floor area equivalent to one hundred (100) square feet for each dwelling unit in the PRDS. However in lieu of such Community Center, the Planning Board may authorize the substitution of some other public facility or service benefiting PRDS and the adjacent neighborhood and the Town generally, costing the applicant an amount equal to the documented cost of such Community Center.

**Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 4/5/03.

h. Building permits may be issued for twenty percent (20%) of the dwelling units in a PRDS prior to the construction of the Community Center or providing for the substitute public facility or service, if applicable. However, no additional building permits shall be issued until construction of said Community Center has been completed, or the substitute public facility or service provided for, to the satisfaction of the Planning Board.

**Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 4/5/03.

i. Dwelling units may be all single family, all duplex or all town house units providing that no town house unit contains more than ten dwelling units per structure. A mix of units is also permitted provided that no one dwelling type shall constitute more than sixty percent (60%) nor less than thirty percent (30%) of the total number of dwelling units.

j. All dwelling units shall be constructed on site. No dwellings or dwelling units shall be of pre-fabricated, factory made, or modular construction, including but not limited to mobile homes, modular homes or manufactured homes.

k. Each dwelling unit shall have a minimum of two (2) sides of full exterior exposure.

l. Each dwelling unit shall have a view of the common open space.

m. Each dwelling unit containing four (4) or more dwelling units shall be equipped with a fire protection residential sprinkler system approved by the Kingston Fire Department.

n. Individual dwelling units shall not contain more than two (2) bedrooms per unit.

o. Home occupations, taking in of boarders, or the renting of rooms shall not be allowed nor permitted

5.3.10. SPECIAL PERMITS: PROCEDURES CRITERIA

5.3.10.1. SPECIAL PERMIT WITH SITE PLAN REVIEW (SPS) REQUIRED

No residential development subject to this bylaw shall be initiated without first obtaining a special permit with site plan review in accordance with the provisions of this section and Section 7.7. The purpose of the special permit with site plan review is to provide detailed review of residential developments which have a substantial impact upon the character of the town, adjacent residential areas and the provision of public facilities and services. A special permit with site plan review (SPS) is a type of special permit in which a use, or one or more buildings that comprise a development, may be permitted if the proposed development of the site meets certain criteria, standards or conditions as set forth in the section of this By-Law that refers to the granting of a special permit with site plan review and to other standards and objectives as set forth in this section. The SPGA may, in its discretion, grant a special permit with site plan review but only in those cases where this By-law specifically refers to the granting of a special permit with site plan review and only in those cases where the SPGA makes a finding and determination, as set forth in Section 7.7. An applicant is not entitled to a special permit with site plan review and the SPGA, in its discretion, may decline to grant a special permit with site plan review if it is unable to make a positive finding and determination as required in Section 7.7.

5.3.10.2. SPECIAL PERMIT GRANTING AUTHORITY (SPGA)

The Planning Board shall be the Special Permit Granting Authority for all residential development governed by this bylaw. In acting upon applications for special permits with site plan review, the SPGA shall be governed by the provisions of Section 5.3.10.4. and Section 7.7.

No

Mixed Use Development Permitted Uses

"4) Age-Qualified Housing, in which each Dwelling Unit contains, at the commencement of occupancy, at least one occupant who is at least fifty-five years of age. Age-Qualified Housing shall provide a minimum of one parking space per Dwelling Unit."

- Lakeville, Massachusetts Zoning By-Law, 1958, As ammended through 6/14/04. 7.5, Mixed Use Development District Regulations.

"7.5 Mixed Use Development District Regulations

Article 5 - adopted at Lakeville Special Town Meeting June 16, 2003; approved by Attorney General September 9, 2003

7.5.1 Title and Purpose

The purpose of the Mixed Use Development District is to encourage and to authorize the mixed use development of large land areas by means of an association of a variety of building types and uses, with conditions and safeguards to prevent detrimental effects and impacts upon neighboring land uses and upon the Town of Lakeville generally. No land shall be re-zoned to be within the Mixed Use Development District unless it contains an aggregate land area of at least 25 acres.

7.5.2 District Designation

The Mixed Use Development District shall overlay the land shown as Lot 1 on Assessor's Map 60 (with the balance shown on Assessor's Map 62), which land is more specifically described as follows:

The land with the buildings thereon situated in Lakeville, Plymouth County, Commonwealth of Massachusetts, on the westerly side of Main Street (Route 105) comprising about seventy-three (73) acres of land, more or less, and now or formerly known as the Lakeville State Hospital and formerly as Lakeville State Sanatorium and bounded and described as follows:

[...]

The Mixed Use Development District is an overlay district superimposed over the underlying district(s). The provisions of the underlying zoning district(s), including bulk and dimensional requirements, will apply within the Mixed Use Development District, except if inconsistent with the Mixed Use Development District regulations set forth below, in which case the provisions of this Section 7.5 will govern over any conflicting zoning requirements of the underlying zoning district(s). This Section 7.5 shall not prohibit uses permitted as of right or by Special Permit in the underlying zoning districts.

7.5.3 Permitted Uses as Principal Activities in the Mixed Use Development District

Those uses permitted in the respective underlying zoning district(s), as well as the following uses, shall be permitted within the Mixed Use Development District:

- 1) Office Buildings.
- 2) Medical Facilities, including Medical or Dental Offices.
- 3) Research and Development (R&D; Facilities, provided that, in the absence of municipal sewerage, laboratory operations associated with such facilities are limited to so-called "dry" operations for developing and testing certain electronic and other "hi tech" products, along with prototype production. In a case where the R&D;use is served by a municipal sewerage, so-called "wet" laboratory operations, in conjunction with biotech and other similar uses, shall be permitted.
- 4) Age-Qualified Housing, in which each Dwelling Unit contains, at the commencement of occupancy, at least one occupant who is at least fifty-five years of age. Age-Qualified Housing shall provide a minimum of one parking space per Dwelling Unit.
- 5) Supermarket, as a retail business use, but only if a retail business use is permitted in the underlying zoning district.

All permitted uses are subject to Section 7.5.5, "General Regulations in the Mixed Use Development District".

7.5.4 Accessory Uses

The following uses shall be allowable as accessory to the above principal activities:

- 1) Restaurant or Cafeteria.
- 2) Warehouse and Distribution, as accessory to Office or Research and Development uses.

3) Parking and Access Drives for all permitted uses in the Mixed Use Development District, as well as any and all utilities necessary to support such permitted uses, whether or not on the same lot as the principal use.

7.5.5 General Regulations in the Mixed Use Development District - Applicable to Uses Permitted.

7.5.5.1 Minimum lot area - shall not be less than three acres.

7.5.5.2 Buffer Zones - The provisions of Section 5.2.4 of this By-Law shall not apply to zoning boundaries internal to the Mixed Use Development District.

7.5.5.3 Lot Coverage for Office and R&D;Uses -- For all office and R&D;uses located outside of the Business District, a maximum of 60% of the upland area of the lot may be covered by structures, parking, and paved areas.

7.5.5.4 Parking Lot Access - The restrictions set forth in Section 6.5.1 regarding the maximum number of entry/exit points for a parking area shall be understood as applying to individual lots within the Mixed Use Development District, and shall apply only to entry/exit points along a public way.

7.5.5.5 Shared Parking/Reduced Size Parking Spaces - Parking spaces serving a principal or accessory use need not be located on the same lot as such use. When determining parking requirements for a shared parking arrangement, the Planning Board, during site plan review, may reduce the applicable requirements upon determining that the multiple uses, whether due to differing peak hours of operation or otherwise, will generate a "staggered" demand for parking, so that the parking proposed by the applicant is sufficient to meet the anticipated need. The Planning Board may, during site plan review, reduce the depth of required parking spaces from 9' x 20' to 9' x 18' to facilitate internal landscaping of parking areas.

7.5.5.6 Multiple Buildings on a Lot - Within the Mixed Use Development District, multiple principal structures may be constructed within a single lot.

7.5.5.7 Site Plan Approval - For the purposes of determining compliance with provisions of the Mixed Use Development District the applicant shall submit a site plan to the Planning Board of the Town of Lakeville, which site plan shall be prepared in accordance with the requirements set forth in Section 6.7 of this By-Law.

When filing the site plan- with the Planning Board, the applicant also shall be required to submit the site plan for review by various boards and officers within the Town of Lakeville, as set forth in Section 6.7.2 of this By-Law.

7.5.5.8 Site Plan review for a project within the Mixed Use Development District shall be conducted as a public hearing, and notice of the hearing shall be given to abutters.

7.5.5.9 In connection with Site Plan approval for any project within the Mixed Use Development District, the Planning Board may incorporate, as a condition to such approval, site and building design requirements that previously have been accepted by both the applicant and the Planning Board and expressed in the form of a written contract or covenant between the applicant and the Planning Board"

Lancaster

Does zoning include any provisions for housing that is restricted by age?

Yes

Town of Lancaster Zoning Bylaw (Adopted 1950, Amended 2004)

3.30 SUPPLEMENTARY USE REGULATIONS

3.31 Living facilities for seniors. Housing for the elderly, including multifamily dwellings, may be authorized on special permit as provided in Section

3.21 provided that the following requirements are met.

(a) Minimum lot frontage: 225 feet.

(b) Minimum lot area: 87,120 square feet plus 6,000 square feet per dwelling unit in excess of eight.

(c) Yards: not less than 20 feet shall be maintained as open area, with grass, bushes, flowers, or trees along each side lot, rear lot, and front lot line, except for entrance and exit driveways, and such open space shall not be built upon, nor paved nor used for parking.

(d) Location and treatment of parking areas: all off-street parking shall be paved, and located at the rear or side of the building for which it is to be used.

Lawrence

Does zoning include any provisions for housing that is restricted by age?

No

Leicester Zoning Bylaw

5.7 Senior Village Developments

5.7.01 Intent and Applicability

The purpose of this section is to encourage development of master-planned residential communities for persons fifty-five (55) years of age and older, by allowing a greater variety of uses and building types at a higher density than would normally be allowed to promote affordable housing and the preservation of open space within the development. It is intended that this section provide a mechanism for development of a range of housing types and facilities that are responsive to the socio-cultural, health care, and recreational needs of senior residents; to achieve land development that is responsive to an analysis of the environmental assets and constraints of a site; and to encourage well-integrated development in terms of land use and major design elements such as buildings, roads, utilities, drainage systems and open space.

5.7.02 Senior Village Developments:

As used in this bylaw, a Senior Village Development shall mean a master-planned development ("planned unit development") of land, as a unified, self contained, residential community, constructed expressly for use and residency by persons who have-achieved a minimum age requirement for residency of fifty five (55) years of age or older in accordance with M.G.L. Chapter 1518, Section 4, Subsection 7, and also incorporating the preservation of natural open space areas as an integral element of the development. A Senior Village Development shall include at least one (1) type of Senior Village Development Residential Use, which may include detached or attached dwellings of any combination, and may include any of the following: Adult Day Care Facilities, Senior Village Resident Services and Senior Village Community Centers as defined in Section 5.7.03.

A Senior Village Development, as defined herein, shall be permitted within the following zoning districts: RA., RB, SA, BR-1, RIB, and BI-A upon the granting of a special permit by the Planning Board. Senior Village Developments shall also be allowed as part of a Recreational Development under Section 2.3.05 of Leicester's Zoning Bylaw upon the granting of a special permit by the Planning Board.

5.7.03 Definitions:

ADULT DAY CARE FACILITY : A facility that offers to seniors daytime programs, health care and assessment, personal care, social programs, recreational activities, and meals and transportation, but does not provide a residence or overnight accommodations.

ASSISTED LIVING OR CONGREGATE LIVING RESIDENCE FACILITY (a Senior Village Development Residential Use): An assisted living residence facility, as defined by M.G.L. Chapter 19D, Section 1.

CONTINUING CARE OR LIFE CARE RETIREMENT FACILITY (a Senior Village Development Residential Use): A facility that includes a combination of types of dwellings or a lifetime continuum of accommodations and care for senior residents, including independent living, assisted/congregate living, and long-term care facilities.

DWELLING UNIT : a) a single dwelling unit for single family homes, duplex housing, townhouse style housing or other multi-family housing, b) a room or group of rooms considered a single dwelling unit for Assisted Living, Independent Living or Congregate Living Residence Facility such as an efficiency apartment, or c) a single room in a Long Term Care Facility.

INDEPENDENT LIVING RESIDENCE FACILITY (a Senior Village Development Residential Use): A facility that provides residential accommodations for senior adults who do not require medical or skilled nursing care. Residents shall have individual dwellings with living and bathroom facilities, and which may have individual kitchen facilities. The Independent Living Residence Facility may include a Senior Village Community Center or Community Building(s), or similar common areas such as a common dining facility, and space for the provision of social, psychological, and educational programs. The facility may provide home health care or other community-based services on an individual basis and offer meals, linen, and housekeeping services. The Independent Living Residence Facility may provide residence for a superintendent or for maintenance staff, but there shall be no on-site residence of medical or other staff.

LONG-TERM CARE FACILITY (a Senior Village Development Residential Use): A building or group of buildings which is licensed or approved by the Massachusetts Department of Public Health to provide 24hour, intensive, skilled and supportive nursing care, convalescent, or chronic care under medical supervision to individuals who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves. A Long-Term Care Facility also typically provides personal care services in a supervised environment, and may contain common areas for therapy, recreation and dining. Further, the facilities may also include on-premise medical offices and treatment facilities related to the care of the residents.

SENIOR VILLAGE COMMUNITY CENTER OR COMMUNITY BUILDING(S) : A building or group of buildings, erected solely for the use of the residents of a Senior Village Development and their guests, that provides educational, recreational, or social services such as: adult education center, adult day care facility, library, place of worship, game room, entertainment room, sewing room, kitchen, cafeteria or dining room, laundry facilities, exercise room, pool, toilet facilities, locker rooms for men and women, and similar facilities.

SENIOR VILLAGE MULTI-FAMILY RESIDENTIAL UNITS : (a Senior Village Development Residential Use): Multifamily senior residential units, which may include townhouses, duplexes, triplexes, garden-style apartments, or other multi-family buildings.

SENIOR VILLAGE RESIDENT SERVICE(S) : A nursing home; transportation services for residents; laundry facilities; financial services;

barber/beautician; medical evaluation; home health care; adult day care facility; meals on wheels program; exercise or physical therapy center; recreational and educational activities; and other similar services or activities. All Resident Services shall be operated primarily for the benefit of residents of the Senior Village Development.

SENIOR VILLAGE RESIDENTIAL SUBDIVISION (a Senior Village Development Residential Use): A subdivision of land within a Senior Village Development that results in creation of individual lots upon which individual single-family dwellings are to be constructed for residency by Seniors. The individual single-family dwellings may be detached homes, attached townhouses, or other building type(s) approved by the Planning Board that is/are each designed for occupancy by an individual family.

SENIOR : An individual who is 55 years of age or older.

SENIOR VILLAGE TOWN HOUSE (a Senior Village Development Residential Use): A residential building of two or more stories in height containing a single dwelling that is one of a group of three or more such buildings that are attached or semi-attached to one another, sharing at least one common or party or fire wall, and with each building having at least one floor at ground level with a separate entrance.

5.7.04. General Development Standards and Dimensional Requirements

An application for a special permit for a Senior Village Development must conform to the following standards:

5.7.04.1 General Standards

A. Age Restriction. All dwellings in a Senior Village Development shall be subject to an age restriction described in a deed/deed rider, restrictive covenant, or other document approved by the Planning Board that shall be recorded at the Registry of Deeds or the Land Court. The age restriction shall restrict occupancy of the dwelling units to seniors age 55 or older, and their spouses of any age and provide for live-in care providers and limited guest visitation rights if the Planning Board so approves and specifies this in its Special Permit. In the event of the death of a qualifying owner/occupant of a unit in a Senior Village Development, the surviving spouse of a qualifying owner/occupant, regardless of age, shall be allowed to remain until death or remarriage to a non-qualifying individual.

B. Lot Coverage. Building footprints and all other impervious surfaces shall not exceed twenty-five percent (25%) of the total acreage of any Senior Village Development.

C. Open Space Requirement. A minimum of twenty-five percent (25%) of the total acreage of a Senior Village Development shall be set aside as common open space for the use of the senior residents and/or the general public. It is the intention of this bylaw that the common open space shall generally consist of a large, single, contiguous area of open space with logical boundaries, which shall retain those natural features of the site most worthy of preservation in their natural state, and which connect with existing or potential conservation or open space areas on adjoining parcels whenever possible. Not more than twenty-five percent (25%) of the common open space shall consist of inland wetlands, as defined pursuant to MGL Ch. 131, Section 40. The common open space shall be dedicated and used for conservation, recreation, or park purposes, or for a combination of those uses, as may be permitted or required by the Planning Board. The developer or applicant shall record an open space restriction in the Registry of Deeds in favor of the Town of Leicester.

D. Exemption from Phased Growth Zoning Bylaw. Senior Village Developments are exempt from Leicester's Phased Growth Zoning Bylaw, Section 6.2.01 of the Leicester Zoning Bylaw.

E. Maximum Number of Senior Village Development Units. The maximum number of permitted housing units within all permitted Senior Village Developments in the Town of Leicester shall be limited to a number equivalent to 25 percent (25%) of the existing single family residential housing units (excluding Senior Village Development units) located in the Town of Leicester. For the purpose of this Section 5.7.04.1.E., the number of single family residential housing units shall be as established by the Board of Assessors as of January 1 of the calendar year.

F. Streets, Utilities, and Lighting. All roads, driveways, utilities, and drainage facilities within a Senior Village Development shall be designed and constructed in conformance with the Leicester Subdivision Controls Rules and Regulations (Subdivision Regulations). Submission and approval of a Definitive Subdivision Plan shall be required as a condition of any Special Permit granted under this Section 5.7. The Planning Board shall require a performance guarantee consistent with the Leicester Subdivision Regulations for required improvements for streets, ways, drainage, erosion control, utilities and other items specified by the Planning Board as a condition of its approval.

G. Design. The Planning Board shall have the authority to adopt from time to time suitable regulations to specify design standards within the Senior Village Developments. Such standards may include regulation of building form and features, architectural details, and historic buildings.

H. Parking. For Senior Village Developments consisting of single family homes, duplex housing, townhouse style housing, multi-family housing, or Independent Living Residence Facility, there shall be at least two (2) off-street parking spaces per principal dwelling unit. Assisted Living or Congregate Care Facilities shall provide a minimum of one (1) off-street parking space per dwelling unit. Long-Term Care Facilities shall have at least one-half (.5) off-street parking space per bed or dwelling unit. Additional parking in proximity to any other Senior Village Use serving residents in common, or guest parking, may be required, as determined by the Planning Board. The Planning Board may waive the minimum parking requirements, at the request of the applicant, if sufficient evidence of the adequacy of the proposed parking is provided. In determining the adequacy of proposed parking, the Planning Board may give consideration to the hours of usage of the proposed use(s) and structure(s), the opinion of municipal officials or consultants as to the adequacy or inadequacy of parking spaces within the specific area of the proposed use(s) and structure(s), as well as other relevant information to assist the Planning Board in determining parking demand.

5.7.04.2 Dimensional Requirements

A. A Senior Village Development shall adhere to the dimensional requirements of the underlying zoning district except as set forth in this Section 5.7.04.2.

B. A Senior Village Development shall be on a site that is a minimum of ten (10) acres in area. The site may consist of a single lot or of multiple, contiguous lots, and may be developed in multiple phases.

C. Table of Density Requirements:

* Exclusive of required open space.

D. Setbacks:

All structures within Senior Village Developments shall be set back a minimum of 50 feet from the outside perimeter property line of the Senior Village Development. This 50 foot setback is intended to act as a buffer and shall not be disturbed from its natural state for the entire distance except for additional plantings or as required by the Planning Board and excepting the access drive(s).

E. Distance between Structures

The distance between structures shall be no less than the average height of the two structures or twenty-five (25) feet, whichever is greater. Structures and associated utilities shall be configured so that future division into separate lots for individual structures is possible.

F. Individual Lots

Individual lots within a Senior Village Residential Subdivision shall have a minimum lot area of ten thousand (10,000) square feet and shall have a minimum of fifty (50) feet of frontage.

5.7.05. Special Permits for Senior Village Developments

5.7.05.1 Procedures

A. Senior Village Developments will be authorized only by Special Permit granted by the Planning Board. A special permit shall be required for new construction, change in use to a Senior Village Development, and resumption of use where a Senior Village Development use has been discontinued or abandoned for more than two (2) years.

B. Applicants for Special Permits under this Section shall submit plans in compliance with the Submission Requirements in Section 5.2.04.2. The site plan shall also clearly identify project density (units per acre); location, number of acres, and proposed use of common open space; location and number of acres of wetlands as defined pursuant to MGL Ch. 131, Section 40; and total acreage of project area. In addition, applications for Special Permits shall submit the following: a locus plan at a scale of one inch equals one hundred feet (1" = 100') or other such scale as may be approved by the Planning Board, showing the entire project site and its relation to surrounding properties, buildings and roadways, and zoning district boundaries within one thousand (1,000) feet of the project boundaries or such other distance as may be approved by the Planning Board.

C. Applicants shall submit a preliminary subdivision plan for a Senior Village Development under the applicable Leicester Subdivision Regulations at the time of application for a special permit for a Senior Village Development. Applicants shall make a subsequent filing of a Definitive Subdivision Plan, as specified under Section 5.7.04.1. F.

D. Procedures for Special Permits (filing, hearing notification, and decision timelines) shall follow MGL Ch. 40A, Section 9, Special Permits, and Section 11, Notice for Public Hearing.

5.7.05.2 Special Permit Review Criteria

The Planning Board shall grant a special permit only after finding that the proposed use will be consistent with the purpose and intent of this bylaw, and that the proposed use or structure is in conformance with the following criteria:

A. The plans shall provide adequately for convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets and property;

B. The proposed use shall not overload the capacity of water and sewer systems, stormwater drainage, solid waste disposal facilities, and other public facilities;

C. The design of the project shall provide for adequate methods of disposal of sewage, refuse, or other wastes generated by the proposed use;

D. The development is an appropriate location and does not significantly alter the character of the neighborhood in comparison to a single-family residential development;

E. The project plan responds to the recommendations of Town Boards and Departments;

F. The project shall comply with all of the provisions of this Section 5.7 in its entirety.

The Planning Board may impose such additional conditions as it finds reasonably appropriate to safeguard existing neighborhoods or otherwise serve the purposes of Section 5.7.

**Webmasters Note: The previous section, 5.7, has been added as per an update approved at a town meeting held on 5/6/02.

Leominster

Does zoning include any provisions for housing that is restricted by age?

No

City of Leominster Zoning Ordinance (Adopted 2001, Amended 2003)

Section 22-4 Definitions

Continuing Care Retirement Community/Assisted Living Facility. A residential care institution intended for occupancy by persons of advanced age (greater than fifty-five (55) years) or limited ability for self care, which may provide food, transportation, recreation, or other services to the residents thereof. The term shall include boarding houses, dormitories, apartments, and similar multiple residence living arrangements when operated as an assisted living facility as defined herein, but shall not include group homes for the handicapped, adult care homes, nursing homes, hospitals, or hotels.

Economic Development Coordinator Chris Paquette said that 55+ housing was "not on the radar in 2001" but that since then, Brooks Pond has been developed. It is a 380 unit development and if researcher understood correctly, 25% of it is low to moderate 55+ housing. Mr. Paquette added that a developer from Marlboro just proposed a 40 unit 40B that will be SF homes for 55+.

Lexington *Does zoning include any provisions for housing that is restricted by age?*

No § 135-23. Living facilities for seniors. [Added 4-10-1996 ATM by Art. 28]

Types and characteristics of living facilities for seniors:

A.Assisted living residence. Assisted living residences are for frail elders who do not require twenty-four-hour skilled nursing care. Assisted living residences provide only single or double assisted living units. The operator of an assisted living facility may also provide optional services on the site, including but not limited to: local transportation, barber/beauty services, sundries for personal consumption and other amenities.

B.Assisted living unit. One or more rooms in an assisted living residence designed for and occupied by one or two individuals per bedroom as the private living quarters of such individuals.

C.Congregate living facility. Each resident in a congregate living facility has his/her own bedroom and may have a separate living room, kitchen, dining area, or bathroom, and may share dining, leisure, and other service facilities in common with other older persons, such as in a common dining facility.

D.Continuing care retirement community. Continuing care retirement communities may include various types of living facilities for seniors within which residents can stay as their service and health care needs change.

E.Independent living residence. In addition to separate dwelling units for elderly persons, an independent living residence may include common areas and the provision of meals and social, psychological, and educational programs.

F.Long-term care facility. Long-term care facilities provide assistance with activities of daily living as defined by 651 CMR 12.02, as well as skilled nursing and medical care by a skilled nursing staff.

Definition of elderly from the bylaw on ordinance.com:

ELDERLY : For the purposes of this By-Law, persons who are 60 years of age or older.

Lincoln *Does zoning include any provisions for housing that is restricted by age?*

No

Littleton *Does zoning include any provisions for housing that is restricted by age?*

No Littleton Master Plan, Adopted 2002, Chapter One Housing Goals:

v Over-55 Retirement Community Provision

Devise an ordinance that would provide extra incentives (such as higher densities) to the developer for the creation of an over-55 retirement community.

Proper design of such a community can provide a less costly, high quality result for the in-demand housing type that is directed toward this specific segment of the housing market. Such a community can often provide amenities that fit the specific needs of this segment that would not otherwise be available to the typical resident. This provision can also benefit from TDR strategies (Land Use recommendation II-2) with a project of this type located in a "receiving area".

Lowell *Does zoning include any provisions for housing that is restricted by age?*

No According to the Lowell Zoning Ordinance, Article VII, Table of Uses (adopted 2003):

Senior Congregate Housing by special permit in the TF district. The TF district is the two family district.

Lunenburg *Does zoning include any provisions for housing that is restricted by age?*

Yes Town of Lunenburg Protective Zoning Bylaw (Amended 2004)

4.12. Lake Whalom Overlay District

4.12.1. Purpose

4.12.1.1. The purpose of the Lake Whalom Overlay District is to provide for the coordinated development of the former amusement park area and its adjacent area in a manner which will protect the historic features of the area, provide housing, encourage sound economic development, protect the adjacent natural features and Town properties, all with minimum environmental and traffic impacts.

4.12.2 Location

4.12.2.1. The Lake Whalom Overlay District includes the area bounded as follows: by the present Commercial District boundary line on the west from the Leominster City line to the center line of Whalom Road, easterly along the center line of Whalom Road, continuing along the center line of Pond Street to Kimball Street, southeasterly along the center line of Kimball Street to the center line of Prospect Street, northwesterly along the center line of Prospect Street to the shore line of Whalom Lake, southwesterly along the shore line of Whalom Lake to the Commercial District boundary line, southerly along the Commercial District boundary to the Leominster City line to the point of beginning.

4.12.3 Permitted uses

4.12.3.1. All uses of the underlying districts, subject to the restrictions and provisions of the underlying district except for those uses permitted by Section 4.2.3.1.a) 4.6.3.1.j),l) and m).

4.12.4. Uses Permissible by Special Permit granted by the Planning Board.

4.12.4.1. Town houses, and garden apartment limited to four (4) units per structure.

4.12.4.2 Recreation facilities limited to lake front facilities, including a club house, beach, tennis, badminton, bocce, shuffleboard, gardens, outdoor seating and similar uses.

4.12.5 Conditions of Use

4.12.5.1. All uses are subject to the provisions of Section 8.4.

4.12.5.2. The dimensional requirements of Section 5.0. can be modified by the Planning Board in connection with a Special Permit or a Development Plan Review, if

a) the development plan is for more than ten (10) acres, and

b) the use or uses are connected to municipal sewer and

c) at least ten (10) percent of the residential portion, if any, is limited in perpetuity to occupancy by persons fifty-five (55) years or more of age or qualifying for affordable units as defined by the Commonwealth.

And provided that

a) the density shall not be more than eight (8) units per acre, and

b) there shall not be more than two (2) bedrooms per unit. Consideration shall be given to preserving some of the previous character of the area as an amusement park, such as signing or markers, maintaining, a feature of the park or other historic structures.

**Webmasters Note: The previous section 4.12 has been added as per Case No. 2118 from town meeting dated 5/4/02.

Lynn *Does zoning include any provisions for housing that is restricted by age?*

No ELDERLY PERSON : For the purpose of this Ordinance, an elderly person shall be anyone who has reached the age of sixty-five. (AS AMENDED MARCH 27, 1973)

Lynnfield**Does zoning include any provisions for housing that is restricted by age?**

Yes To create an Elderly-housing District, Town Meeting must approve the re-zoning with a majority vote.

Lynnfield has an Elderly Housing District which allows multi-family housing by right (restricted by age). The Master Plan states that "Currently multi-family housing is permitted only in the Elderly Housing Zone."

Town of Lynnfield Master Plan, Chapter 8 (September 2002)

Multi-family housing (22.8 acres or 0.3% of the town's total area) is located on Partridge Lane off Main Street near Rte. 128, off Salem Street near the intersection of Route 128 and Rte. 1, and in the two Elderly Housing districts, LIFE Essex Village, near the boundary with Peabody, and the LIFE Center Village, near Lynnfield Center.

Town of Lynnfield Master Plan, Chapter 9 (September 2002)

9.3.2.2 Housing for the Elderly District (EH)

The town's Housing for the Elderly Districts are located near Lynnfield Center, off of Main Street, and on Essex Street. These areas include 23 acres or 0.3% of the town's total area. Housing in this district is to be owned and/or controlled by a non-profit organization or by the Town of Lynnfield and/or its Housing Authority. Any of the uses permitted in a Single Residence A District may also be permitted in the Housing for the Elderly District with authorization from the Board of Appeals.

ZONING BYLAWS, TOWN OF LYNNFIELD, Section 2.10 and 4.6, OCTOBER 20, 2003

4.6 Housing for the Elderly District

In a Housing for the Elderly District, no building or land shall be used and no buildings shall be erected or converted except for the following purposes:

1. To provide Housing for the Elderly, such housing to be owned and/or controlled by a non-profit organization, or by the Town or by the Lynnfield Housing Authority, or jointly by such organizations so far as permitted by law. For the purposes of this subsection, a "private non-profit corporation" shall mean a corporation, foundation or other organization no part of the net earnings of which inures to the benefit of any private shareholder or individual and which has been organized pursuant to Massachusetts General Laws, Chapter 180, as amended.

2.10 Housing for the Elderly

Multi family dwellings which contain three or more independent dwelling units consisting of a room or suite of rooms, its own bath and toilet facilities, and its own kitchen facility. Each such building may also include central kitchen and dining facilities for providing meals to residents thereof and their guests but not to the public and may also provide lounge rooms for the common use of residents and their guests. In one of such buildings, a unit may be included for occupancy by the manager of the project and his immediate family, one room of which may be used as an office, and except for the unit to be occupied and used as aforesaid by the manager, no unit in such building shall be occupied unless at least one of the tenants is a person who is sixty years of age or over. No Housing for the Elderly development shall contain more than 136 independent dwelling units. S.T.M. 4/29/82

Lot area required: 4 acres

Lot frontage required: 300 feet

Minimum dwelling units: 3

Maximum dwelling units per development: 136 units

Malden**Does zoning include any provisions for housing that is restricted by age?**

No SECTION 400 DIMENSIONAL CONTROLS
400.10 Density Requirements

The density requirement for multifamily houses occupied by the "elderly" (as defined by the rules and regulations of the Malden Housing Authority) may be reduced to not less than seven hundred fifty (750) square feet per dwelling unit providing these houses are constructed by the Malden Housing Authority itself, built for the Housing Authority as "turnkey housing" (as defined by the rules and regulations of the Department of Housing and Urban Development), or built by non-profit organizations (as defined by the rules and regulations of the Department of Housing and Urban Development).

Mancheste *Does zoning include any provisions for housing that is restricted by age?*

No

Mansfield *Does zoning include any provisions for housing that is restricted by age?*

Yes Town of Mansfield Zoning Bylaw

- 3.3.10 Residential Facilities for Residents Fifty-Five (55) Years of Age or Older A residential facility which provides housing units exclusively for residents 55 years of age or older. Such a facility must include the following:
- A. The facility shall be located on a parcel, or contiguous parcels, of land which has a total acreage of not less than ten (10) acres.
 - B. No site shall accommodate more than 100 units nor exceed a density of ten (10) units per acres of upland land area.
 - C. Each site shall contain at least 35% of the total area as permanent open space, which shall not include land devoted to streets or parking area, but may include land within the minimum setback areas required herein.
 - D. Deed Description: A deed or other recorded instrument shall be filed showing the applicant to be the owner of the land to be designated as a Residential Facility for persons 55 years of age or older and that the land is in single or consolidated ownership at the time of final plan application.
 - E. Common Open Space Instrument: In order to ensure that the corporation, non-profit organization or trust will properly maintain the common open space, an instrument(s) shall be recorded at the Bristol North District Registry of Deeds which shall, at a minimum provide:
 - 1. A legal description of the common open space;
 - 2. A statement of the purpose for which the common open space is intended to be used and the restriction on its use and alienation;
 - 3. The type and name of the corporation, non-profit organization or trust of each owner of a dwelling in the cluster development and a provision that such ownership or beneficial interest shall be appurtenant to the dwelling to which it relates and may not be conveyed or encumbered separately therefrom;
 - 4. Provisions for the number, term of office, and the manner of election to office, removal from office and the filling of vacancies in the office of directors and/or officers of the corporation or non-profit organization or trustees of the trust;
 - 5. Procedures for the conduct of the affairs and business of the corporation, non-profit organization or trust including provision for calling and holding of meetings of members and directors and/or officers of the corporation or non-profit organization or beneficiaries and trustees of the trust and provision for quorum and voting requirements for action to be taken. Each owner of a dwelling shall have voting rights proportional to his ownership or beneficial interest in the corporation, non-profit organization or trust;
 - 6. Provision for management, maintenance, operation, improvement and repair of the common open space and facilities thereon, including provisions for obtaining and maintaining adequate insurance and levying and collecting from the dwelling owners common charges to pay for expenses associated with the common open space, including real estate taxes. It shall be provided that common charges are to be allocated among the dwelling owners in proportion to their ownership or beneficial interests in the corporation, non-profit organization or trust, that each owner's share of the common charge shall be a lien against his real estate in the RD, which shall have priority over all other liens with the exception of municipal liens and first mortgages of record.
 - F. All roadways within the facility shall be maintained by the owner or owners of such roadways. Street lighting shall be constructed in accordance with the Mansfield Zoning By-Law.
 - G. Each dwelling unit shall have a minimum of two parking spaces.
 - H. Public sanitary sewer and public water shall be required.
 - I. All public utilities shall be underground.
 - J. All outside building utilities and mechanical equipment shall be fenced and/or screened from view by suitable design and construction of fencing and/or shrubbery. All dumpsters are to be located on concrete pads and enclosed in privacy fences.
 - K. All buildings shall be residential in appearance, and no building shall contain more than eight units or exceed a length of 340 feet. No wall of any dwelling unit shall exceed 50 feet in an unbroken plane without offset of at least four feet. No building shall exceed 40 feet in height, and total building footprint coverage shall not exceed 20% of the total lot area, excluding terraces, decks and garages.
 - L. No building shall be constructed within 50 feet of a public way nor within 40 feet of any other property. Suitable buffer plantings shall be provided to assure maximum privacy to the residents and also to the occupants of adjoining properties, in accordance with the requirements for landscaping of the Mansfield Zoning By-Law.
 - M. Each housing unit shall be designed and used exclusively as a single housekeeping unit with cooking, living and sanitary facilities; and each housing unit shall contain not more than two sleeping rooms. There shall be no additional boarding or lodging within any housing unit.
 - N. The site may contain accessory buildings or structures for maintenance and recreational facilities incidental to the exclusive use by the residents of the facility.

- O. In no case shall accessory building or structure be located between a principal structure and a public way.
- P. The facility shall comply with the provisions set forth in 42 USC 3601 et seq.
- Q. For the purpose of mixed use development: The provision of the Section of the Zoning By-Law may be combined with the provision Section 5.10 "Planned Commercial and Industrial Development" as it applies to the Business 3 Zone only.

Marblehead *Does zoning include any provisions for housing that is restricted by age?*

No The Town of Marblehead Zoning Bylaws, Table 1 Land Use Regulations does not allow multifamily dwellings in the G-R (General Residence) and the SG-R (Shoreline General Residence) Districts, however there is a subscript next to the "no" on the table. That subscript makes the note that Elderly Housing is permitted under Ch. 121 of the General Laws of Massachusetts in these two district.

GENERAL LAWS OF MASSACHUSETTS
PART I.
ADMINISTRATION OF THE GOVERNMENT

TITLE XVII.
PUBLIC WELFARE

CHAPTER 121B. HOUSING AND URBAN RENEWAL

HOUSING FOR THE ELDERLY AND THE HANDICAPPED
Chapter 121B: Section 39 Power to provide housing for elderly and handicapped persons of low income; priorities in placement

Section 39. The housing authority of each city or town organized under section three shall have power to provide housing for elderly persons of low income and handicapped persons of low income either in separate projects or as a definite portion of any other projects undertaken under sections twenty-five to forty-four, inclusive, of this chapter, or in remodeled or reconstructed existing buildings, or through the purchase of condominium units, and the provisions of sections one to forty-four, inclusive, of this chapter shall, so far as apt, be applicable to projects and parts of projects undertaken under sections thirty-eight through forty-one except as otherwise provided in section forty or elsewhere in this chapter. The power to provide such housing shall include the provision of facilities for congregate living, either in separate projects or as a definite portion of any other projects so undertaken. A housing authority with the approval of the department may in addition to, and to the extent not inconsistent with this section or section forty-one provide that on project sites which include convenience stores or ancillary commercial facilities housing projects may be planned and designed so as to permit the continued operation of such stores or facilities. Such stores or facilities may be rented or leased by such housing authorities. The provisions of the preceding two sentences shall apply also to any low rent housing project for families of low income undertaken pursuant to this chapter.

Marlborou *Does zoning include any provisions for housing that is restricted by age?*

Yes RETIREMENT COMMUNITY: A community consisting of a structure or structures constructed expressly for use as housing for persons aged fifty-five or over, on one parcel or on contiguous parcels of land, totaling at least fifteen (15) acres, all as further defined in MGL Chapter 151B Section 7.

According to the table of uses, "Retirement Community Overlay" is allowed by special permit in LI and I.

City of Marlborough Zoning Ordinance

Article VI, Section 200-21. Retirement Community Residence Districts.

In all portions of the City indicated on the City Zoning Map as Retirement Community Residence Districts:

A. All permitted uses must comply with the appropriate provisions of Article V, and Article VII, except as otherwise specified herein.

B. The only use permitted in a Retirement Community Residence District shall be a retirement community. Such use shall be permitted as of right provided that it is composed entirely of detached single-family residences on separate lots which comply in all ways with the Zoning Ordinance provisions then in effect which are applicable to single family residences in a Residence A-1 Zone. A retirement community may also be allowed by Special Permit as specified in subparagraph (C) below.

C. When approved by the City Council in writing by Special Permit in accordance with Article VII Section 200-59, a Retirement Community as defined in Section 200-05 may be allowed subject to the following conditions:

(1) No building shall be more than 2.5 stories in height.

(2) Each building shall face either upon an existing street or upon a public or private way constructed within said Retirement Community, and shall have a minimum front yard of no less than 20ft from the edge of the paved way to the closest point of the structure, and a side yard of no less than 10ft from the edge of the paved way to the closest point of the structure. Each building, whether principal or accessory, shall be at least 20ft distant from any other building by air line distance between the nearest points of the buildings.

(3) No dwelling shall contain less than 1,000 sq ft of living area or more than 2,400 sq ft of living area. At least 66% of the living area in each unit shall be located on the first floor.

(4) All dwelling units shall be detached from the others or attached only along sidewalls in the so-called "townhouse" style.

(5) The lot or lots on which a Retirement Community is located shall contain at least 5,000 sq ft per unit in the Retirement Community.

(6) No part of any principal building shall be within 25 ft of any exterior lot line nor shall any part of any building be closer to any exterior lot line than the minimum side yard requirement which would have been applicable in the zoning district in which the land in question was located before it was rezoned into a Retirement Community Residence District. A building may be as close as 25 ft to the front yard line of the exterior lot; provided, however, that no said building shall be less than 50 ft from the side line of a public way.

(9) Maximum lot coverage in a Retirement Community shall not exceed 50% of the total lot size, excluding from lot size any land which, prior to development of the site as a Retirement Community, would be defined as a resource area as that term is defined in MGL Chapter 131 Section 40.

(10) Each lot or contiguous lots upon which a Retirement Community is located shall have total frontage on an existing public way of at least 250 ft; provided, however, that said frontage need not be continuous.

(12) The City Council may, as a Permit condition, require that the proposed Retirement Community be constructed entirely on one lot, and that, from and after the date of the issuance of the building permit for said community or any portion thereof, no subdivision of said lot shall be allowed without the express approval of the City Council; provided, however, that the recording of a condominium master deed and the conveyance of condominium units within the area covered by said deed shall be allowed.

(13) No unit in a Retirement Community shall have more than 3 bedrooms.

200-22. Retirement Community Overlay Districts.

A. Purpose. The purpose of the Retirement Community Overlay District shall be to

advance the public health, safety and welfare by providing for the development of retirement communities and other multifamily residential housing on sites which are otherwise zoned for other purposes but which, because of the size of the parcel being developed and its proximity to other residential neighborhoods, and/or residential amenities, will provide an appropriate environment for a Retirement Community and for other multifamily housing which may be developed in conjunction therewith.

B. Location. For the purposes of this Section, a Retirement Community Overlay District shall be considered superimposed on the other Districts existing at the time that any land in any said underlying District is also included in the Retirement Community Overlay District. The rezoning of any or all of the land included in the Retirement Community Overlay District from one underlying Zoning classification to another shall not affect its inclusion in the Retirement Community Overlay District, unless said land is specifically removed from the said Retirement Community Overlay District.

C. Permitted Uses. All permitted uses must comply with the appropriate provisions of

Article V and Article VII, except as otherwise specified herein. In addition to those uses which are allowed, either as of right or by Special Permit, in the underlying District of any land which has been included in the Retirement Community Overlay District, the City Council may, by Special Permit in accordance with Section 200-59, permit a Retirement Community as defined in Section 200-05, and such additional multifamily housing units, segregated onto a separate portion of the Site, referred to herein as an "ancillary residential community", as the City Council deems appropriate, consistent with the following provisions:

(1) No building in a Retirement Community shall be more than two and one-half (2 ½) stories in height.

(2) Each building in a Retirement Community shall face either upon an existing street or upon a public or private way constructed within said Retirement Community, and shall have a minimum front yard of no less than twenty (20) feet from the edge of the paved way to the closest point of the structure, and a side yard of not less than ten (10) feet from the edge of the paved way to the closest point of the structure. Each building, whether principal or accessory, shall be at least ten (10) feet distant from any other building by air line distance between the nearest points of the buildings.

(3) No dwelling in a Retirement Community shall contain less than one thousand (1,000) square feet of living area or more than two thousand four hundred (2,400) square feet of living area. At least sixty six (66) percent of the living area in each unit shall be located on the first floor.

(4) All dwelling units in a Retirement Community shall be detached from the others or attached only along sidewalls in the so-called "townhouse" style.

(5) The lot or lots on which a Retirement Community and any approved ancillary Residential Community are located shall contain, on a consolidated basis, at least seven thousand (7,000) square feet per housing unit.

(6) No part of any principal building in a Retirement Community shall be less than twenty five (25) feet from any exterior lot line, or less than fifty (50) feet from the side of any public way.

(7) Each dwelling unit in a Retirement Community shall have its own attached yard area.

(8) Required off-street parking for each dwelling unit in a Retirement Community shall be adjacent thereto. Each unit shall be required to provide one parking space inside a garage and an additional space in front of a garage, said garage to be attached to said unit. The City Council may, as a condition of its Special Permit, require additional off-street parking areas to be used in common by dwelling unit owners and their invitees. In addition, the City Council may as a condition of the Special Permit, require that adoption of legally enforceable condominium by-laws or other similar regulations to limit or prohibit the presence in a Retirement Community, either entirely or except in designated locations, of boats, boat trailers, campers, or other recreational vehicles.

(9) Maximum combined lot coverage in a Retirement Community and in any permitted ancillary Residential Community shall not exceed forty (40) percent of the total lot size.

(10) Each lot or contiguous lots upon which a Retirement Community is located shall have total frontage on an existing public way of at least two hundred fifty (250) feet. Each lot or combination of lots shall have a total size of not less than ten (10) acres. The underlying Zoning District for all said land shall be either Industrial or Limited Industrial.

(11) The City Council may, as a Permit condition, require that all proposed condominium by-laws or similar binding retirement community regulations which may be relevant to the issuance of the Permit, including but not limited to by-law provisions prohibiting the presence of children residing in a Retirement Community and limiting or prohibiting the presence in a Retirement Community of boats, boat trailers, or recreational vehicles, be made a part of the Special Permit, and that any change to or failure to enforce said provisions shall be a violation of said Special Permit.

(12) The City Council may, as a Permit condition, require that a proposed Retirement Community be constructed entirely on one lot, and that, from and after the date of the issuance of the Building Permit for said community or any portion thereof, no subdivision of said lot shall be allowed without the express approval of the City Council; provided, however, that the recording of a condominium master deed and the conveyance of condominium units within the area covered by said deed shall be allowed.

(13) No unit in a Retirement Community shall have more than three bedrooms.

(14) The following site development provisions shall apply to any ancillary Residential Community which is approved in conjunction with the granting of a Special Permit for the construction of a Retirement Community:

(a) Each building in an ancillary Residential Community shall face either upon an existing street or upon a public or private way constructed within said ancillary Residential Community, and shall have a minimum front yard of no less than ten (10) feet from the edge of the paved way to the closest point of the structure. Each building, whether principal or accessory, shall be at least fifty (50) feet from any other building by air line distance between the nearest points of the building.

(b) No dwelling unit shall contain less than eight hundred (800) square feet of floor space exclusive of halls and stairs, and no room shall contain less than one hundred twenty (120) square feet.

(c) No part of any building in any ancillary Residential Community shall be less than thirty (30) feet from any lot line, less than fifty (50) feet

from any street, or less than eighty (80) feet from the nearest structure in a Retirement Community.

(d) All site landscaping shall be designed so as to provide a clear sense of separation between the ancillary Residential Community and a Retirement Community. Landscape design preference shall be given to the maintenance of existing trees and groundcover. The development of large lawn areas shall be minimized.

(e) The City Council may, as a condition of any Special Permit which includes an ancillary Residential Community, require that the land area on which the ancillary Residential Community is located be permanently maintained as one undivided lot or, within a condominium, as one undivided condominium unit, or require such other legal mechanism as will, in the opinion of the City Council, assure that the said ancillary Residential Community will not be subdivided or its ownership further condominiumized, that said ancillary Residential Community will remain as rental housing, and that ownership of said ancillary Residential Community will remain consolidated.

(f) The total number of units in an ancillary residential facility shall not exceed thirty (30) percent of the combined total of retirement community and ancillary apartment units.

D. The provisions of Section 200-26 A shall not apply to a Special Permit for the construction of a Retirement Community or an ancillary Residential Community in a Retirement Community Overlay District.

Marshfield Does zoning include any provisions for housing that is restricted by age?

Yes Town of Marshfield Zoning Bylaw (Amended 2004)

AGE-RESTRICTED ADULT VILLAGE : A building or buildings arranged, or used exclusively for the residence of persons age fifty-five (55) or older, or for handicapped persons, as defined in Chapter 121B of the M.G. L., with some shared facilities and services.

**Webmasters Note: The previous definition has been amended as per an update approved at a town meeting held on 10/27/03.

Section 11.08 Age-Restricted Adult Village

**Webmasters Note: The previous Title has been amended as per an update approved at a town meeting held on 4/28/03.

For elderly residential housing not subject to the Table Of Dimensions and Density Regulations nor subject to Sec. 10.10 of the Zoning Bylaw, the following conditions [Amended 11/15/99] shall apply:

1. Applicability and Use

a. The tract of single or consolidated ownership at the time of application shall be at least six (6) acres in size in all residential zones and at least 10,000 square feet in the B-1 District, and shall be subject to approval by the Board acting as the Special Permit Granting Authority.

**Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 10/27/03.

b. The following uses shall be permitted: attached elderly and handicapped housing units; and community facilities (religious, recreational or educational); membership club for the exclusive use of the residents of the development.

2. Required Performance Standards

a. In the R-1 district, the total number of proposed dwelling units within the development shall not exceed three (3) units per upland acre.

b. In the R-2 and RB districts, the total number of proposed dwelling units within the development shall not exceed four (4) units per upland acre.

c. In the R-3 district, the total number of proposed dwelling units within the development shall not exceed four (4) units per upland acre.

d. In the B-1 district, the total number of proposed dwelling units within the development shall not exceed eight (8) units per upland acre.

**Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 10/27/03.

e. In the B-1 District, at least twenty (20) percent of the total tract area shall be upland open space and shall be set aside as common land and shall be either deeded to the town or placed under a conservation restriction and maintained as permanent "Open Space" in private or cooperative non-profit ownership. The SPGA shall provide for the disposition and control of the open space land in a manner and form acceptable to them and approved by Town Counsel.

**Webmasters Note: The previous subsections, a. through e., have been amended as per an update approved at a town meeting held on 4/28/03.

f. At least ten (10) percent of the total number of units shall be developed as affordable housing and meet the Local Initiative Program (LIP) dwelling units in compliance with the requirements for the same as specified by the Department of Community Affairs, Division of Housing and Community Development and that said units count toward the Town's requirements under M.G.L. c. 40B, sec. 20-23.

**Webmasters Note: The previous subsection has been added and the following subsections re-lettered as per an update approved at a town meeting held on 4/28/03.

...

y. If an elderly and handicapped development is owned or converted to ownership of more than one ownership entity, a non-profit community association shall be established, requiring membership of each property owner in the development. The community association shall be responsible for the permanent maintenance of all communal water and septic systems, common open space, recreational and thoroughfare facilities. A community association agreement or covenant shall be submitted with the special permit approval application guaranteeing continuing maintenance of such common utilities, land and facilities, and assessing each lot a share of maintenance expenses. Such agreement shall be subject to the review and approval of Town Counsel and the SPGA.

**Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 10/27/03.

z. If an elderly and handicapped development is owned or converted to ownership of more than one ownership entity, a non-profit, incorporated community association shall be established, requiring membership of each property owner in the development. The community association shall be responsible for the permanent maintenance of all communal water and septic systems, common open space, recreation and thoroughfare facilities. A community association agreement or covenant shall be submitted with the special permit application guaranteeing continuing maintenance of such common utilities, land and facilities, and proportionately assessing maintenance expenses. Such agreement shall be subject to the review and approval of Town Counsel and the SPGA.

aa. Such agreements or covenants shall provide that in the event that the association fails to maintain the common open land or other facilities in reasonable order and condition in accordance with the agreement, the Town may, after notice to the association and public hearing, enter upon the property and maintain it in order to preserve the taxable values of the properties within the development and to prevent a public nuisance. The covenants shall be assessed ratably against the properties within the development.

2.1. Mandatory Provision of Affordable Units:

The Planning Board shall, as a condition of approval, require that the applicant for special permit approval comply with the obligation to provide affordable housing pursuant to this Bylaw and more fully described in Section 2.2.

2.2. Provision of Affordable Units:

The Planning Board shall deny any application for a special permit for the development of affordable housing if the applicant for special permit approval does not agree that:

2.2.1. At least ten (10) percent of the lots in a division of land or units in a multiple unit development subject to this Bylaw shall be established as affordable housing units in any one or combination of methods provided for below. Fractions of a lot or selling unit shall be rounded up to the nearest whole number, such that a development proposing ten, (10) dwelling units shall require one affordable unit, a development proposing nineteen (19) dwelling units shall require two affordable units and so on.

a). Constructed or rehabilitated on the locus subject to the special permit;

b). Constructed or rehabilitated on a locus different than the one subject to the special permit;

c). An applicant may offer, and the Planning Board, in concert with the Board of Selectmen, may accept, donations of land in fee simple, on or off-site, that the Planning Board determines are suitable for the construction of affordable housing units. The value of donated land shall be equal to or greater than the value of the construction or set-aside of the affordable units. The Planning Board may require, prior to accepting land as satisfaction of the requirements of this Bylaw, that the applicant submit appraisals of the land in question, as well as other data relevant to the determination of equivalent value;

d). An equivalent fees-in-lieu of payment may be made (See below).

The applicant may offer, and the Planning Board may accept, any combination of the Section 2.2.1.(a)-(d) requirements provided that in no event shall the total number of units or land area provided be less than the equivalent number of value of affordable units required by this Bylaw.

2.3 Provisions Applicable to Affordable Housing Units On- and Off-site:

The Planning Board shall require the applicant to comply with the following provisions:

2.3.1 Siting of affordable units - All affordable units constructed or rehabilitated under this Bylaw shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units.

2.3.2. Minimum design and construction standards for affordable units -Affordable housing units within market rate developments shall be integrated with the rest of the development and shall be compatible in design, appearance, construction and quality of materials with other units.

2.3.3. Timing of construction or provision of affordable units or lots -Where feasible, affordable housing units shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable units be delayed beyond the schedule noted below:

2.4. Local Preference:

The Planning Board shall require the applicant to comply with local preference requirements, if any, as established by the Board of Selectmen.

2.5. Marketing Plan for Affordable Units:

Applicants under this Bylaw shall submit a marketing plan or other method approved by the Planning Board, which describes how the affordable units will be marketed to potential homebuyers. This plan shall include a description of the lottery or other process to be used for selecting buyers.

2.6. Provision of Affordable Housing Units Off-Site:

As an alternative to the requirements an applicant subject to this Bylaw may develop, construct or otherwise provide affordable units equivalent to those required off-site. All requirements of this Bylaw that apply to on-site provision of affordable units, shall apply to provision of off-site affordable units. In addition, the location of the off-site units to be provided shall be approved by the Planning Board as an integral element of the special permit review and approval process.

2.7. Maximum Incomes and Selling Prices: Initial Sale:

To ensure that only eligible households purchase affordable housing units, the purchaser of an affordable unit shall be required to submit copies of the last

three years' federal and state income tax returns and certify, in writing and prior to transfer of title, to the developer of the housing units or his/her agent, and within thirty (30) days following transfer of title, to the Marshfield Housing Authority, that his/her or their family's annual income level does not exceed the maximum level as established by the Commonwealth's Division of Housing and Community Development, and as may be revised from time to time.

The maximum housing cost for affordable units created under this Bylaw is as established by the Commonwealth's Division of Housing and Community Development or as revised by the Town.

2.8. Preservation of Affordability; Restrictions on Resale:

Each affordable unit created in accordance with this Bylaw shall have the following limitations governing its resale. The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability for affordable income households. The resale controls shall be established through a deed restriction on the property, recorded at the Plymouth County Registry of Deeds or the Land Court, and shall be in force for as long a period as is lawful.

a). Resale price - Sales beyond the initial sale to a qualified affordable income purchaser shall include the initial discount rate between the sale price and the unit's appraised value at the time of resale. This percentage shall be recorded as part of the restriction on the property noted in Section 1.10. For example, if a unit appraised for \$300,000 is sold for \$225,000 as a result of this Bylaw, it has sold for 75% of its appraised value. If, several years later, the appraised value of the unit at the time of proposed resale is \$325,000, the unit may be sold for no more than \$243,750, or 75% of the appraised value of \$325,000.

b). Right of first refusal to purchase - The purchaser of an affordable housing unit developed as a result of this Bylaw shall agree to execute a deed rider prepared by the Town, granting, among other things, the Town's right of first refusal for a period not less than one hundred and eighty (180) days to purchase the property of assignment thereof, in the event that, despite diligent efforts to sell the property, a subsequent qualified purchaser cannot be located.

c). The Planning Board shall require, as a condition for special permit approval under this Bylaw, that the deeds to the affordable housing units contain a restriction against renting or leasing said unit to a tenant who does not meet the eligibility requirements set forward in Sec. 11.08 (2.7) herein during the period for which the housing unit contains a restriction on affordability.

d). The Planning Board shall require, as a condition for special permit approval under this Bylaw, that the applicant comply with the mandatory set-asides and accompanying restrictions on affordability, including the execution of the deed rider. The Zoning Enforcement Officer shall not issue an occupancy permit for any affordable unit until the deed restriction is recorded at the Plymouth County Registry of Deeds or the Land Court.

2.9. Fees-in Lieu of Affordable Housings Unit Provision:

As an alternative, an applicant may contribute to the Marshfield Housing Trust Fund to be used for the development of affordable housing in lieu of constructing and offering affordable units within the locus of the proposed development or offsite.

a). Calculation of fees-in-lieu of units. The applicant for development subject to this Bylaw may pay fees in lieu of the construction of affordable units. For the purposes of this Bylaw, the fee in lieu of the construction or provision of affordable units is determined to be \$200,000 per unit. For example, if the applicant is required to construct two affordable income units, they may opt to pay \$400,000 in lieu of constructing or providing the units.

b). Schedule of fees in lieu of payments. Fees in lieu of payments shall be paid according to the schedule set forth, above.

**Webmasters Note: The previous subsections, 2.1 through 2.9, have been added as per an update approved at a town meeting held on 4/28/03.

3. Administrative Procedures - The Planning Board shall be the Special Permit Granting Authority (S.P.G.A.) and shall adopt rules relative to the issuance of special permits and file a copy with the Town Clerk. The Board shall follow the procedural requirements for special permits as set forth in Chapter 40A, Section 9.

4. Criteria for Review and Approval

a. The S.P.G.A. shall review all applications for Elderly and handicapped housing developments to determine the sensitivity of the site to the following criteria:

- (i) Compliance with 11.08 (2) required performance standards;
- (ii) Compatibility with existing developments;
- (iii) Compliance with adopted public plans;
- (iv) The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use in the immediate area or in any other area of the Town will be subjected to hazards affecting health safety or the general welfare;
- (v) That suitable recreation facilities have been provided;
- (vi) Acceptable design and layout of ways, streets and paving;
- (vii) That the projected traffic increase to the local road(s) is within the capacity of the existing network and does not impair pedestrian safety;
- (viii) Compliance with environmental standards.
- (ix) Appropriateness of building and site design; and
- (x) The preservation of important areas of open space or items of historical and/or archaeological significance.

The findings, including the basis of such findings, of the Board shall be stated in the written decision of approval, conditional approval, or denial of the application for Special Permit, and shall require a 4/5 majority vote for approval. For approval of a special permit granted under this section, an affirmative finding of the Board shall be required for all of the ten (10) criteria above.

b. The Board shall also impose, in addition to any applicable conditions specified in this Bylaw, such applicable conditions as it finds reasonably appropriate to safeguard the neighborhood, or otherwise serve the purposes of this Bylaw, including, but not limited to, the following: front, side, or rear yards greater than the minimum required by this Bylaw; screening buffers or planting strips, fences, or walls, as specified by the Board; modification of the exterior appearance of the structures; limitation upon the size, numbers of occupants, method and time of operation, time duration of permit, or extent of facilities; regulation of number and location of driveways, or other traffic features; and off-street parking or loading or other special features beyond the minimum required by this bylaw.

Such conditions shall be imposed in writing, and the applicant may be required to post bond or other surety for compliance with said conditions in an amount satisfactory to the Board.

c. The Special Permit is granted for a period of two years and shall lapse if substantial use or construction has not commenced by such date, except for good cause shown. And provided further that such construction once begun shall be actively and continuously pursued to completion within a reasonable time.

Section 11.05 Planned Mixed-Use Development

This section of the zoning by-law is to allow a planned mixed-use development overlay district within a portion of the industrial district as shown on the Zoning Map.

1. Purpose: The purpose of this planned mixed use development section is as follows:

To provide an opportunity to comprehensively plan a large tract of land in a pedestrian friendly, campus-like setting, around a public green.

To ensure high quality site planning, architecture and landscape design to create a distinct visual character and identity for the development that provides an environment with safety, convenience and amenity.

To ensure any potential traffic impacts of the planned mixed-use development are properly mitigated and in keeping with the character of the Town of Marshfield.

To generate positive tax revenue, while providing the opportunity for new business growth and additional local jobs.

2. Process: A planned mixed-use development is a two-step process, which allows the town and an applicant greater flexibility in the development of the industrial zone. In addition to compliance with this bylaw, all applicants shall comply with the requirements set forward in the Rules and Regulations Governing Development within the Planned Mixed-Use Development Overlay District as adopted by the Marshfield Planning Board and as may be amended from time to time.

Phase I: The applicant files a Definitive Subdivision and Land Classification Plan as described in Section 5.0 for a phase or combination of phases for land within the PMUD overlay district. The plan locus for each phase must include at least thirty (30) contiguous acres within the PMUD overlay district as shown on the Town of Marshfield zoning map, as amended. Additional land can be added to or substituted within a phase, from time to time, provided the total acreage of the Phase is not less than thirty (30) acres and that a revised Definitive Subdivision Plan is filed. The Definitive Subdivision Plan and Land Classification Plan for each phase shall contain the overall road network, roadway drainage, location of the public green, bike and pedestrian ways, lots and proposed uses by phase.

Phase II: The applicant files a Special Permit Application with the Planning Board serving as the SPGA, for an element (or combination of elements) within a phase. An element may be a single use or group of uses within a phase of the overlay district. When site plan approval is required, the granting authority shall be the Zoning Board of Appeals except in the Planned Mixed-Use District where a special permit is also required and that special permit granting authority is the Planning Board. In that case, the special permit granting authority for the site plan approval shall be the Planning Board.

**Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 4/26/04.

3. Applicability and Uses: In addition to the uses allowed in the I-1 zone, the following uses may be allowed by special permit: Limited retail (including Grocery Store); Eating and drinking places excluding drive-in establishments; Bank within or as a liner to the main retail building; Membership club; Other amusement / recreation service; Housing for the elderly not to exceed 3 units per acre (subject to Section 11.08); Nursing, rest or convalescent home not to exceed 24 beds per acre.

4. Required Performance Standards:

A. Uses shall be grouped together to maximize pedestrian access by connecting sidewalks and pathways. Buildings shall be oriented around the public green and not Route 139 (Plain Street).

B. Access to Route 139 (Plain Street) from a Planned Mixed-Use Development shall be through a secondary street as defined in the Planning Board Subdivision Rules and Regulations at a signalized intersection.

C. Maximum percentage of land area allowed by use within the planned mixed-use overlay district.

D. The total Limited Retail use within the Planned Mixed-Use Development overlay district shall be restricted to a maximum gross floor area of 80,000 square feet or 15%, of the overlay district, whichever is more restrictive.

E. The majority of the parking shall be located to the rear or sides of buildings. All parking and loading areas shall be completely screened from Route 1.39 (Plain Street) by a minimum 50-foot wide raised and landscaped buffer. Parking lots and loading areas shall be appropriately screened from roadways within the overlay district by a minimum 20-foot wide raised and landscaped buffer. Appropriately designed view corridors of buildings from the roadways within the overlay district shall be allowed.

F. Reduction in parking space requirements may be permitted where by design and use it is shown to the board's satisfaction that the parking is compatibly shared by multiple uses. However, in no case shall a parking requirement reduction exceed twenty (20) percent of those parking spaces required under normal application of requirements for the non-residential uses proposed.

G. Individual retail establishments shall be limited to a maximum gross floor area of 55,000 square feet. An individual retail establishment may be increased to 65,000 square feet where the SPGA finds that individual sections of the retail establishment front the public green with access and windows or where the additional space is used as small retail uses lining the wall facing the public green of the large retail establishment.

H. The ratio of the gross floor area of the building(s) to the total lot area shall not exceed forty-five (45%) percent.

I. The mass, proportion and scale of the building, roof shape, roof pitch, and proportions and relationships between doors and windows should be harmonious among themselves.

J. Architectural details of new buildings and additions, and textures of walls and roof materials, should be harmonious with the building's overall architectural style and should preserve and enhance the historic character of Marshfield.

K. The building's location shall be oriented parallel or perpendicular to the public green(s) and/or street. Where the minimum setback cannot be maintained, the applicant shall provide adequate spatial definitions through the use of walls, fences and/or other elements, which will maintain the street line.

L. The buildings' main entrance may be placed to the side of the front facade to facilitate access to parking.

M. Building facades in excess of forty (40) feet shall incorporate recesses and projections, of a minimum of two (2) feet in depth, to break up the building's mass.

N. A minimum of 60% of the building's public green(s) and/or street side facade shall contain windows and other appropriate architectural elements, excluding the facade facing Route 139 (Plain Street) where the landscaped buffer is determined by the Planning Board to be adequate. The windows should be divided by muntins and framed with a casing trim; awnings should be designed as an integral part of the building facade metal awnings are discouraged.

**Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 4/28/03.

O. Individual special permit applications shall file a traffic impact study as identified in Section 11.10.

P. The large retail establishment shall either provide an entrance to the public green or side facade to the public green shall be lined with uses to enhance the pedestrian activities and the use of the public green(s).

Q. A public green shall be required for each phase of development within the PMUD. The public green(s) shall be a minimum of one and one-half (1 1/2) acres in size per phase and shall be designed as a pedestrian friendly park. The public green(s) shall contain some combination of benches, tables, playground equipment, sidewalks, lighting and landscaping. Each green shall be used solely for active and passive recreation purposes and shall be open to the public. The total acreage of the green in each phase may be used toward the land area calculations to determine allowable density for one of the uses within that phase.

**Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 4/28/03.

R. Setbacks for the overlay district shall be as follows:

Front setbacks for buildings facing the public green(s) may vary. All other standards for I-1 zoning districts contained in the Sec. 6.10 Table of Dimensional and Density Regulations shall apply.

S. In cases after a public hearing, where the proposed traffic mitigation is deemed by the SPGA to be out of character for the town, the applicant may propose additional open space from within the PMUD district or adjacent districts, or may donate an amount equal to the cost of the proposed mitigation to the Town for the purpose of open space acquisition. Where open space is provided in lieu of traffic mitigation, said open space shall be at least equal in area to the total acreage of land of said proposed use.

**Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 4/28/03.

5. Ownership of Public Green

5.1 Subject to approval by the Planning Board, all areas designated as public greens shall be either placed under a permanent conservation restriction or deeded to the Town as a condition of special permit approval. If placed under a conservation restriction, said restriction shall be in a form approved by Town Counsel and enforceable by the Town, conforming to the standards of the Massachusetts Executive Office of Environmental Affairs, Division of Conservation Services, that shall be recorded to ensure that such land shall be kept in an open state. Such restriction shall be submitted to the Planning Board prior to approval of the project and recorded at the Registry of Deeds/Land Court with the issuance of the building permit.

5.2 Maintenance of Public Green: The Town shall be granted an easement over such public green sufficient to ensure its perpetual maintenance as recreation land. Such easement shall provide that in the event the owner fails to maintain the public green in reasonable condition, the Town may, after notice to the lot owners and public hearing, enter upon such land to maintain it in order to prevent or abate a nuisance. The cost of such maintenance by the Town shall be assessed against the properties within the development and/or to the owner of the open space. The Town may file a lien against the undeveloped lots within the corresponding phase of the PMUD to ensure payment of such maintenance expenses.

**Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 4/28/03.

5.3 Monumentation: Where the boundaries of the public green are not readily observable in the field, the Planning Board may require placement of surveyed bounds sufficient to identify the location of the public green.

6. Criteria for Review and Approval

The SPGA shall review all applications for Planned Mixed-Use Development to determine compliance of the proposal with the following criteria:

6.1 Section 11.05 (1) purpose;

6.2 Section 11.05 (4) required performance standards;

6.3 That the projected traffic increase of the proposed uses to the local road(s) and Route 139 is within the capacity of the existing road network, or that the applicant's proposed traffic mitigation measures will adequately address traffic flow.

6.4 That the proposed development improves pedestrian and bicycle access and safety;

6.5 That suitable public green(s) and facilities have been provided;

6.6 Acceptability of building and site design;

6.7 The Marshfield Comprehensive Plan (The Townscape Plan), as amended.

7. Severability

If any provision or provisions of this bylaw is or are declared unconstitutional or inoperative by a final judgment, order or decree of the supreme judicial court of the commonwealth, the remaining parts of said chapter shall not be affected thereby.

**Webmasters Note: The previous section has been amended as per an update approved at a town meeting held on 10/8/02.

Maynard

Does zoning include any provisions for housing that is restricted by age?

No

The Town of Maynard Zoning Bylaws, Section 8.1, Table I notes that the general requirements for all building (except multifamily and elderly) in the General Residence and the Business Districts is 7000 sq. ft. for lot area, but subscripts next to that number in the table refer to increased lot size requirements for elderly and multifamily housing. There is not a separate section of the Zoning Bylaw which relates specifically to elderly housing.

The subscripts mentioned above state as follows:

For elderly housing 2,000 s.f./unit (under the jurisdiction of the Maynard Housing Authority), and 10,000 s.f. minimum lot area.

For multiple dwellings; 5,000 s.f./dwelling, and 10,000 s.f. minimum lot area.

Town of Maynard Zoning Bylaws, Section 6D

" SECTION 6D HEALTH CARE/INDUSTRIAL DISTRICTS
6D.1 REQUIREMENTS

In the Health Care/Industrial District no building or structure shall be constructed or altered and no building, structure or premises shall be used for any purpose except:

A. Industrial Uses

Research laboratories with incidental assembly or manufacture. Manufacturing, development or engineering. Warehousing

B. Business and Municipal Uses

Office Buildings Business or Professional Offices or Banks Municipal Uses

C. Health Care Uses And Health Care/Elderly and Medically-Assisted Housing

Nursing Homes and Convalescent Homes. Clinics and health care facilities providing in-patient medical or dental services. Health Care/Elderly Housing and Medically Assisted Housing.n

D. Ancillary Uses

1. Ancillary uses incidental and subordinate to any of the main uses permitted in this section, for use by employees, customers, residents, patients or visitors, including, but not limited to, the following:

2. Educational and training facilities;

3. Cafeteria facilities, restaurants and other places serving food;

4. Recreational facilities and buildings;

5. Screened storage and accessory buildings;

6. Parking areas and garages;

7. Day-care centers;

8. Hospitality centers with conference facilities and a hotel or motel facility with no more than 25 rooms; and

9. Stores or shops for the retail sales of goods and services.

E. Parking Uses

Parking areas or garages for use by employees, customers or visitors of any of the uses permitted in this section.

F. Other Uses

Any additional use which the Board of Appeals allows by Special Permit granted under and in accordance with M.G.L. c40A, Section 9, and which the Board determines is similar in impact to the community to one or more of the uses specifically authorized in this Section.

G. Prohibited Uses

No Building, structures or premises shall be used for laboratories with a bio-safety rating that exceeds Bio-safety Level 3, as established by the United States Department of Health and Human Services, Public Health Service, Centers for Disease Control and National Institutes of Health ("CDC-NIH") under guidelines set forth in the CDC-NIH publication entitled "Bio-Safety in Microbiology and Biomedical laboratories", 2nd edition, May, 1988, including appendices, addenda and replacement thereto.

6D.2 REQUIREMENT FOR SITE PLAN APPROVAL BY THE PLANNING BOARD

1. All non-residential buildings, structures, parking lots, or any other man-made construction projects, must be erected in conformity with this Site Plan Approval By-Law; all building and occupancy permits must be issued in conformity with an approved Site Plan, as described in Section 14 of these Zoning By-Laws.

2. Notwithstanding the requirements of Section 6A.2 above, any expansion of an existing use, or change in use which requires, in the opinion of the Planning Board, changes to the exterior of an existing building, and/or which in the opinion of the Planning Board, substantially affects site layout, installation of utilities to the building, parking layout, traffic patterns or intensity of traffic, lighting, pedestrian access, or any other substantive change to the site of the subject building, must be undertaken in conformity with an approved Site Plan, as described in Section 14 of these Zoning By-Laws. All building and occupancy permits shall be issued in conformity with an approved Site Plan as described in Section 14 of these Zoning By-Laws.

3. For any site requiring Site Plan Approval, all building permits, occupancy permits and any other related permit or approval shall be issued subject to compliance with the terms and conditions of the Site Plan Approval related to such building or site.

6D.3 PERMITTED BY SPECIAL PERMIT OF THE PLANNING BOARD

In the Health Care/Industrial District, no building or structure shall be constructed or altered and no building, structure or premises shall be used for any of the following purpose except in conjunction with and in conformity to a special permit issued for such purpose by the Planning Board as specified in Section 12.4 of these Zoning By-laws as amended.

A. Wireless telecommunication towers and facilities defined and regulated in Section 9 of the Protective Zoning By-laws as amended."

and HEALTH CARE DWELLING UNIT - A dwelling unit, with or without integral cooking facilities, within a Healthcare/Industrial District, as part of a multi-unit development of such dwelling units, provided there shall be allowed no more than 2 residents per unit.

HEALTHCARE/ELDERLY HOUSING - A Healthcare Dwelling Unit to be occupied only by residents age 55 or older.

Medfield *Does zoning include any provisions for housing that is restricted by age?*

No

Medford *Does zoning include any provisions for housing that is restricted by age?*

No

Medway *Does zoning include any provisions for housing that is restricted by age?*

Yes ZONING BY-LAW & MAP
Medway Planning Board

Medway, Massachusetts

Updated – September 3, 2002
(Includes amendments approved by Town Meeting on November 5, 2001, May 13, 2002 and June 24, 2002)

SECTION II. DEFINITIONS
(Amended STM 10/16/00, approved 2/12/01)

Adult Day Care Facility: A facility that offers to seniors daytime programs, health care and assessment, personal care, social programs, recreational activities, and meals and transportation, but does not provide a residence or overnight accommodations.

Adult Retirement Community Planned Unit development (ARCPUD): A master-planned development of land as a unified, self-contained residential community, constructed expressly for use and residency by persons who have achieved a minimum age requirement for residency of fifty-five (55) years of age or older in accordance with M.G.L. Chapter 151B, Section 4, Subsection 6, and also incorporating the preservation of natural open space areas as an integral element of the development. An ARCPUD shall be permitted only in an Adult Retirement Community Overlay District and only upon the granting of a special permit by the Planning Board. An ARCPUD shall be either a Continuing Care Retirement Facility or shall include at least two (2) types of adult retirement community residential uses, or at least one (1) type of Local Convenience Retail use. The Planning Board in its granting of the ARCPUD special permit may specifically authorize other appropriate uses. An ARCPUD may include a variety or combination of housing types that may be sold or leased to individual residents, or may be operated or sponsored as a coordinated unit by a corporation or organization having among its principal purposes the provision of housing and resident services for retired and/or aging persons.

ARCPUD: See "Adult Retirement Community Planned Unit Development".

ARCPUD Community Center or Community Building(s): A building or group of buildings erected solely for the use of the residents of an ARCPUD and their guests that provides educational, recreational or social services such as: adult education center, adult day care facility, library, place of worship, game room, entertainment room, sewing room, kitchen, cafeteria or dining room, laundry facilities, exercise room, toilet facilities, locker rooms for men and women and similar facilities.

ARCPUD Coordinated Unit(s): A building or group of buildings under common management and serving purposes that assist the elderly in maintaining an independent lifestyle.

ARCPUD Resident Service(s): A nursing home; drug store or other Local Convenient Retail Use; transportation services for residents; laundry facilities; financial services; barber/beautician; medical evaluation; home health care; adult day care facility; meals on wheels program; exercise or physical therapy center; recreational and education activities; and other similar services or activities. All Resident Services shall be operated primarily for the benefit of residents of the ARCPUD.

ARCPUD Residential Subdivision (an Adult Retirement Community Residential Use): A subdivision of land within an ARCPUD that results in creation of individual lots to serve as Home Sites upon which individual single-family dwellings are to be constructed for residency by Seniors. The individual single-family dwellings may be detached homes, attached townhouses or other building type(s) approved by the Planning Board that is/are each designed for occupancy by an individual family.

Assisted Living or Congregate Living Residence Facility (an Adult Retirement Community Residential Use): An assisted living residence facility as defined by M.G.L. Chapter 19D.

Continuing Care of Life Care Retirement Facility (an Adult Retirement Community Residential Use): A facility that includes a combination of types of dwellings or a lifetime continuum of accommodations and care for elder residents, including independent living, assisted/congregate living and long-term care facilities.

Independent Living Residence Facility (an Adult Retirement Community Residential Use): A facility that provides residential accommodations for senior adults who are in good health and do not require medical or skilled nursing care. Residents shall have individual dwellings with living and bathroom facilities, and which may have individual kitchen facilities. The Independent Living Residence Facility may include an ARCPUD Community Center or Community Building(s), or similar common areas such as a common dining facility and space for the provision of social, physiological and educational programs. The facility may provide home health care or other community-based services on an individual basis and offer meals, linen and housekeeping services. The Independent Living Residence Facility may provide residence for a superintendent or for maintenance staff, but there shall be no on-site residence of medical or other staff.

ZONING BY-LAW & MAP
Medway Planning Board

Medway, Massachusetts

Updated – September 3, 2002
(Includes amendments approved by Town Meeting on November 5, 2001, May 13, 2002 and June 24, 2002)

SECTION II. DEFINITIONS
(Amended STM 10/16/00, approved 2/12/01)

Long-Term Care Facility (an Adult Retirement Community Residential Use): A building or group of buildings which is licensed or approved by the Massachusetts Department of Public Health to provide 24-hour, intensive, skilled and supportive nursing care, convalescent or chronic care under medical supervision to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves. A Long-Term Care Facility also typically provides personal care services in a supervised environment and may contain common areas for therapy, recreation and dining. Further, the facilities may also include on-premise medical offices and treatment facilities related to the care of the residents.

T. ADULT RETIREMENT COMMUNITY OVERLAY DISTRICT

1. Purpose: The purpose of the Adult Retirement Community Overlay District is to advance the public health, safety and welfare by specifically providing for the development of retirement communities within Medway that provide a choice of housing opportunities to senior residents and accommodate the long-term social, cultural, recreational and continuing care needs of these citizens. The specific purposes of the Adult Retirement Community Overlay District are:

- a) To provide for and promote development of alternative housing opportunities for the growing senior citizen population.
- b) To permit a greater variety of housing types than would otherwise be allowed in the underlying zoning district(s) in order to accommodate the housing needs of the senior citizen population.
- c) To enable, through the special permit process by the Planning Board, creative and innovative site planning and development of Medway's limited land resources.
- d) To Promote preservation of the rural character of Medway by encouraging property owners and developers to set aside and protect natural open space as part of the land development effort.

- e) To encourage the development of affordable housing for seniors with low and moderate incomes.

2. General Requirements:

a) Location: The Adult Retirement Community Overlay District is an overlay zoning district that shall be superimposed on the Agricultural and Residential I District and/or Agriculture and Residential II District of the Town of Medway. The Adult Retirement Community Overlay District shall be considered superimposed on all the lands of these underlying Districts existing at the time that any land in any said underlying district is also included in the Adult Retirement Community Overlay District. The rezoning of any or all of the land included in the Adult Retirement Community Overlay District from one underlying zoning district classification to another shall not affect its inclusion in the Adult Retirement Community Overlay District, unless said land is specifically removed from the said Adult Retirement Community Overlay District.

b) ARCPUDs will be authorized only by Special Adult Retirement Community Overlay District permit (hereinafter referred to as "Special ARCPUD Permit") granted by the Planning Board (hereinafter referred to as "the Board").

3 Permitted Uses:

a) Uses Allowed As of Right: The following uses shall be allowed as of right within an Adult Retirement Community Overlay District:

- 1) Uses directly related to the conservation of water, plants and wildlife.
- 2) Non-profit outdoor recreation activities and facilities, including unpaved play areas, nature study, boating, fishing and hunting where otherwise legally permitted.
- 3) Wildlife management areas, landings, foot, bicycle and/or horse paths and bridges.
- 4) Grazing and farming, including truck gardening and harvesting of crops.
- 5) Forestry and nurseries.
- 6) All uses permitted as of right in the underlying base zoning district.

b) Uses Allowed by Special Permit: The following uses may be permitted within an Adult Retirement Community Overlay District upon the granting of a special permit:

- 1) An Adult Retirement Community Planned Unit Development (ARCPUD).

4. Adult Retirement Community Planned Unit Development (ARCPUD):

a) Purpose and Intent: the purpose of Adult Retirement Community Planned Unit Development, or ARCPUD, is to encourage development of master-planned residential communities for persons fifty-five (55) years of age and older by allowing for a greater variety of uses and building types at a higher density than would normally be allowed, and allowing greater flexibility in site planning so as to promote affordable housing and the preservation of open space within the development. It is intended that an ARCPUD development provide a range of housing types and facilities that are responsive to the socio-cultural, healthcare and recreational needs of senior residents. The intent of an ARCPUD also is to achieve, to the greatest possible degree, land development that is responsive to an analysis of the environmental assets and constraints of a site, both natural and man-made. The ARCPUD should be a well-integrated development in terms of land use, functional systems and major design elements such as buildings, roads, utilities, drainage systems and open space. Design standards should be supportive of a New England character, with a cohesive center and a sense of neighborhood. An ARCPUD is allowed greater design flexibility so that site planning for a development may protect natural features and consider most fully the surrounding land use and development context. This may allow for development to be more highly concentrated on one portion of a site than would otherwise be the case with a resulting lower intensity of development and preservation of open space elsewhere on the site. Development should be concentrated in the most suitable and least environmentally sensitive areas of the landscape. Preservation of natural open space is strongly promoted, as is provision and enhancement of additional open space for recreational use and enjoyment of residents. It is intended that the benefits of ARCPUD development will act to encourage property owners/developers to consolidate land parcels so that comprehensive and responsible site planning will occur.

b) Pre-Application Meeting: A pre-application meeting and review with the Planning Board is required. This will provide the applicant with the opportunity to present preliminary development plan concepts and gain informal feedback from the Planning Board, other Town officials and interested citizens. This review also will allow the Planning Board and involved Town officials to provide guidance to the applicant on the Special Permit application and review process.

c) ARCPUD General Standards: An Adult Retirement Community Planned Unit Development (ARCPUD) shall comply with the following general standards:

- 1) All dwellings in an ARCPUD shall be subject to an age restriction described in a deed/deed rider, restrictive covenant, or other document approved by the Planning Board that shall be recorded at the Registry of Deeds or Land Court. The age restriction shall limit the Dwelling Units to occupancy by seniors, age fifty-five (55) or older; or their spouses of any age; provide for reasonable time-limited guest visitation rights; and may authorize special exceptions that allow persons of all ages to live in a Dwelling Unit together with a senior resident, if the Planning Board so approves and

specifies this in its special permit. The Special Permit including the age restriction shall run with the land in perpetuity and shall be enforceable by any owner(s) of dwelling units in the ARCPUD and/or the Planning Board of the Town of Medway.

- 2) An ARCPUD shall be on a site that is a minimum of ten (10) acres in area. The site may consist of a single lot or of multiple, contiguous lots.
 - 3) The ARCPUD shall include a mixture of two or more types of adult retirement community residential uses as defined in Section II of this By-Law and may be developed in multiple phases.
 - 4) Upon approval by the Planning Board, an ARCPUD also may include Local Convenience Retail use of no more than 7,500 square feet of gross building area. If located within an ARCPUD development, by definition, the total amount of building area occupied by Local Convenience Retail uses shall not exceed five percent (5%) of the ARCPUD total gross building area or 7,500 square feet, whichever is greater.
 - 5) Upon approval by the Planning Board, an ARCPUD also may include an ARCPUD Community Center or Community Building(s) intended for use and benefit of the ARCPUD residents, provided that such use(s) shall occupy not more than ten percent (10%) of the gross building floor area constructed within the approved ARCPUD, and that in the opinion of the Planning Board, such use enhances the general purpose of this ARCPUD and enhances better site and community planning, and if the Planning Board finds that adequate assurances and covenants exist to ensure proper maintenance of such facilities by the residents, owners or their agents and that the residents, owners or their agents will bear all expenses related thereto.
 - 6) The maximum number of permitted housing units in an ARCPUD shall be determined by multiplying the gross acreage of the ARCPUD site by a factor of three (3.0). A housing unit shall be defined as equal to:
 - (a) A home Site in an ARCPUD Residential Subdivision, a townhouse, or a dwelling unit as defined in the By-Law;
 - (b) Two (2) dwellings or rooms in an Assisted Living or Congregate Living Residence Facility, provided such dwellings do not meet the definition of a dwelling unit;
 - (c) Three (3) dwellings or rooms in a Long-Term Care Facility.
- An applicant or developer of an ARCPUD is not entitled to the maximum number of housing units described above. The allowable increased density, up to the calculated maximum number of housing units for the given ARCPUD site, is at the discretion of the Planning Board based on evaluation of the proposed development plan, its impacts and its benefits to the community.
- 7) When an ARCPUD is within more than one (1) base zoning district, applicable use standards will be based on the percentage of acreage in each district.
 - 8) The maximum number of permitted housing units within all permitted ARCPUD developments in the Town of Medway shall be limited to a number equivalent to ten percent (10%) of the existing single-family residential housing units (excluding ARCPUD units) located in the Town of Medway. For the purpose of this By-Law, the number of single-family residential housing units shall be as established by the Board of Assessors as of January 1 of the calendar year.
 - d) ARCPUD Open Space Standards: A minimum of forty percent (40%) of the total land area of the ARCPUD shall be set aside and maintained as open space. The following standards shall apply to the required ARCPUD open space land area:
 - 1) The following shall not be counted as part of the required ARCPUD open space: Community Buildings or other buildings housing common facilities, median strips, landscaped areas within parking lots, or lawn/landscaped areas on individual Home Site lots, or any impervious areas for the open collection and management of storm water.
 - 2) A minimum of forty percent (40%) of the required ARCPUD open space shall be suitable for use for passive and/or active recreational purposes.
 - 3) A minimum of fifty percent (50%) of the required ARCPUD open space shall be preserved in its natural pre-development condition, unless the Planning Board finds that it is not practical for the ARCPUD to preserve this amount of natural land due to previous land alteration activities.
 - 4) Wetland resource areas as defined and regulated pursuant to the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131A) shall comprise not more than fifty percent (50%) of the required ARCPUD open space.
 - 5) The required ARCPUD open space shall be contiguous, unless the Planning Board finds that it is not practical for all the open space to be contiguous due to the particular shape and topography of the ARCPUD site or, for the same reasons, that it is advantageous to allow separated open space areas in order to best protect natural features of the site.
 - 6) To the greatest extent possible, the allocation and reserve of ARCPUD open space should establish a network of open space within the site. Wherever possible, the ARCPUD open space shall be contiguous to and interconnect with other existing open spaces bordering the ARCPUD. The ARCPUD plan should take into account any Town of Medway or other public agency plans for preservation or improvements to public open space adjacent to the ARCPUD site, so as to provide potential for linkage and access to said adjacent public open space. As a condition of issuance of the Special Permit for an ARCPUD, the Planning Board may require the ARCPUD applicant to provide paths, walkways or other appropriate physical

connections to adjacent open spaces.

- 7) A minimum of fifty percent (50%) of the required ARCPUD open space shall be set aside permanently as Protected Open Space. The Protected Open Space shall be maintained as open space in perpetuity. If protected by a deed restriction or conservation restriction pursuant to M.G.L. Chapter 40A, Section 9 for common open space, the Protected Open Space may be owned in whole or part by a private corporation or trust representing the owners or persons responsible for development of the ARCPUD, resident owners within the ARCPUD, or a non-profit conservation organization. A covenant shall be placed on the land such that no part of the ARCPUD shall be sold or occupied until a satisfactory written agreement has been executed for protection of the Protected Open Space. Otherwise, the required Protected Open Space shall be conveyed by deed to the Medway Conservation Commission or a land trust designated by the Medway Conservation Commission. The Planning Board may require such conveyance as a condition of approval of the ARCPUD, though the Planning Board shall not make a requirement of public dedication of more than the required Protected Open Space.
 - 8) Drainage facilities (i.e. detention and retention basins) shall not be located in the open space areas. Dedicated open space may be utilized as natural courses for disposal of storm runoff from impervious surfaces. Other than minor berming (maximum 3:1 slopes which shall blend into the landscape) and riprap at pipe outflows, no significant disruption of the land (contour changes greater than three (3) feet) for drainage is permitted.
 - 9) Open space shall be laid out to provide eco-corridors and other areas identified for open space preservation. Land within fifty (50) feet of any dwelling unit shall not be counted toward the open space acreage. Areas to remain as naturally-existing woods, fields, meadows and wetlands shall be maintained and a plan for funding the maintenance provided.
 - 10) If the dedicated open space is not to be conveyed to the town, the applicant must provide a written program describing how the open space will be maintained in perpetuity to standards satisfactory to the Board. The applicant shall also provide an agreement empowering the town to perform maintenance of the open space in the event of failure to comply with the program. This agreement shall provide that, if the town is required to perform any maintenance work, the owner(s) of the open space shall pay the cost thereof and any unpaid costs shall constitute liens upon homeowners' property until said costs have been paid.
- e) ARCPUD Site Development Standards: The following site development standards shall apply to all ARCPUD developments.
- 1) Each lot or contiguous lots upon which an ARCPUD is located shall have a minimum of two hundred fifty linear feet (250') of total frontage on an existing public way(s).
 - 2) Each building in the ARCPUD shall face either upon an existing street or upon a public or private way constructed within the ARCPUD.
 - 3) Each building in the ARCPUD shall have a minimum front yard of no less than twenty feet (20') from the edge of the paved way to the closest point of the structure and a side yard of not less than ten feet (10') from the edge of the paved way to the closest point of the structure.
 - 4) Each building in the ARCPUD shall be set back a minimum of fifty feet (50') from the ARCPUD's perimeter lot line. The setback area shall be maintained as natural open space or as a landscaped buffer.
 - 5) Each building in the ARCPUD shall be set back a minimum of fifty feet (50') from the right-of-way line of any public way.
 - 6) In an ARCPUD Residential Subdivision, each Home Site lot shall be a minimum of 6,000 square feet in area and meet upland and lot shape requirements specified within this By-Law.
 - 7) There shall be no minimum standards for internal lot line setbacks within the ARCPUD unless required by the Planning Board in its issuance of a special permit based on specific findings that there is need for greater physical separation of specific buildings or uses.
 - 8) Within the ARCPUD a minimum of two (2) off-street parking spaces shall be required for each dwelling unit. The required parking space(s) shall be provided on the same lot as the dwelling(s) or on a contiguous lot (within the ARCPUD) provided that there are easements ensuring rights of access, use and maintenance. The Planning Board may, as a condition of granting a special permit for the ARCPUD, require additional off-street parking areas to be provided for use in common by dwelling unit owners or residents and their guests.
 - 9) A minimum of one (1) off-street parking space shall be required for each 500 square feet of gross building area occupied by a permitted Local Convenience Retail use. The Planning Board may reduce this requirement if the nature and design of a particular ARCPUD indicates that parking demand will be lower due to enhanced pedestrian access or a reduced reliance on motor vehicle travel within the ARCPUD. The required parking space(s) shall be provided on the same lot as the permitted use or on a contiguous lot (within the ARCPUD) provided that there are easements ensuring rights of access, use and maintenance. The Planning Board may, as a condition of granting a special permit for the ARCPUD, require additional off-street parking areas to be provided for accessory uses within the ARCPUD.
 - 10) All roadways and driveways serving more than one dwelling shall be a minimum paved width of twenty-two feet (22').
 - 11) All roadways, driveways and parking areas within the ARCPUD shall be maintained by the applicant, developer of the ARCPUD, its assigns, or owners or their agents.
 - 12) Landscape design shall give preference to the maintenance of existing healthy trees and groundcover. The development of large lawn areas shall be minimized.

- 13) All utilities shall be underground.
 - 14) No mobile homes or trailers shall be allowed to be used as dwelling units in the ARCPUD.
 - 15) Utilities and on-site storage shall be shielded from view by walls or fences.
 - 16) All solid waste removal within the ARCPUD shall be the responsibility of the residents, owners or their agents and they shall bear all expenses related hereto.
- f) Planning Board Findings for ARCPUD Special Permit: The Planning Board shall review and make findings that the following requirements and features of an ARCPUD are satisfied in the proposed development. The permitted ARCPUD shall clearly demonstrate:
- 1) That the ARCPUD is a defined tract of land of a minimum of ten (10) acres in area;
 - 2) That the ARCPUD is developed in a comprehensive, design-integrated manner according to an overall master plan with two (2) or more types of senior residential use, or at least one (1) type of senior residential use and at least one (1) type of Local Convenience Retail use;
 - 3) That the ARCPUD is consistent with all ARCPUD general standards and all applicable ARCPUD site development standards set forth herein;
 - 4) That the ARCPUD is consistent with the goals and objectives of the Town of Medway Master Plan;
 - 5) That the ARCPUD locates or clusters development sites, especially buildings and parking areas, in a manner that preserves natural open space and historic features of the site and provides usable open space for the recreation and enjoyment of ARCPUD residents;
 - 6) That the ARCPUD makes efficient use of land by properly considering topography and protection of significant natural features including, but not limited to: waterways, wetlands floodplains and wildlife habitat;
 - 7) That the ARCPUD demonstrates coordinated site development including, but not limited to:
 - (a) The appropriate integration or separation of land uses and housing types;
 - (b) The use of consistent or compatible architecture that serves to visually unify the elements of the ARCPUD;
 - (c) The establishment of contiguous expanses of preserved open space;
 - (d) The development of an efficient vehicular access and circulation system and other infrastructure, that is to the degree practical, designed to serve all the various elements of the ARCPUD development;
 - (e) The establishment of pedestrian networks within the site as appropriate to serve residents.
 - 8) That the ARCPUD roadway and other infrastructure systems are sized to accommodate the overall service demand of all uses in the ARCPUD development;
 - 9) That the ARCPUD roadway and other infrastructure systems are linked to and coordinated with the surrounding off-site public roadways and infrastructure in a manner that is safe, efficient and non-injurious to the public and an improvement or benefit to the public where possible;
 - 10) That the ARCPUD includes provisions for the ownership and preservation of required ARCPUD open space;
 - 11) That the ARCPUD includes appropriate deed restrictions or covenants requiring compliance of all development with the ARCPUD master plan and with any site plan or architectural guideless or standards specifically included by the Planning Board as part of the ARCPUD.
 - 12) The Planning board may, as a special permit condition, require that all proposed laws or similar binding ARCPUD regulations which may be relevant to the issuance of the special permit, including but not limited to: by-law provisions prohibiting the presence of persons under age 55 residing in the ARCPUD and limiting or prohibiting the presence in the ARCPUD of mobile homes or trailers, boats, boat trailers or recreational vehicles, be made a part of the Special Permit, and that any change to or failure to enforce said provisions shall be a violation of said Special Permit.
 - 13) Depending on the nature of the particular ARCPUD and its uses, the Planning Board may, as a condition of any Special permit for an ARCPUD, require that the land area on which the ARCPUD is located be permanently maintained as one undivided lot and that from and after the date of the issuance of the Building Permit for said ARCPUD or any portion thereof, no subdivision of said lot shall be allowed without the express approval of the Planning Board. However, the recording of a condominium master deed and the conveyance of condominium units within the area covered by said deed shall be allowed.
 - 14) Depending on the nature of the particular ARCPUD and its uses, the Planning Board may, as a condition of any Special Permit for an ARCPUD, require a legal mechanism as will, in the opinion of the Planning Board, assure that the said ARCPUD will not be subdivided, nor its individual units shall not be further subdivided, or that the ARCPUD will remain as rental housing, or that ownership will remain consolidated.

g) Administration:

1) Overview: The Planning Board shall, in its discretion, require the following Basic Information (a) to (e) below for all applications for special ARCPUD permits and any additional information, if applicable, including, but not limited to items listed in (f) to (r) below. Only that information which is applicable to a proposed use or structure will be required of the applicant. The applicant is required to have a preliminary meeting with the Planning Board before submitting the application to help the applicant identify the applicable information requirements.

2) Basic Information:

(a) Names, addresses and telephone numbers of the applicant, the owner if other than the applicant and other agents for the applicant, such as the architect, engineer and/or attorney, and the name and address of the proposed project;

(b) A plot plan (certified by a land surveyor) indicating total land area boundaries, angles and dimensions of the site and a north arrow;

(c) Locus of the land shown on the plan at a scale of no smaller than 1"=100', with sufficient information to accurately locate the land and adjacent land, all property lines and buildings within 500' of the land;

(d) Plans showing:

i. Present and proposed use(s) of the land and existing buildings, if any;

ii. Dimensions of existing and proposed building(s) or other structures including height, setback(s) from property lines and total square footage of all floors;

iii. Locations and dimensions of any easements, public or private rights-of-way, or other burdens existing or proposed;

iv. At-grade parking and loading areas showing number, location and dimensions of parking and loading spaces, driveways, access and sidewalks, preferably indicated on plot plan; and

(e) A brief written description of the proposed project, such as proposed construction or demolition, all uses, who the project is intended to serve, expected number of employees, and/or occupants and methods and hours of operation, as applicable.

Additional Information, if applicable:

(f) The total floor area and ground coverage ratio of each proposed building and structure;

(g) Front, side and rear elevations;

(h) Existing and proposed contour elevations in two foot increments;

(i) Provisions for vehicular and pedestrian access ways, including proposals for new or relocated curb-cuts and access for emergency vehicles;

(j) Color, materials and exterior features of proposed structures;

(k) Landscaping and screening, including trees, stones, walls, fences and other features to be retained and removed as well as color, size and type of landscaped surface materials;

(l) Measures taken to preserve and protect natural resources;

(m) Outdoor lighting, including location and intensity of lighting facilities;

(n) Location and significance of historical structures;

(o) Locations of and adequacy of existing and proposed on-site public utilities, facilities and conditions (water, sewerage and drainage), showing size and direction of flow;

(p) A traffic study including estimated peak hour traffic volumes generated by the proposed use in relation to existing volumes and projected future conditions;

(q) Wetlands ponds and surface water bodies, as defined under the Wetlands Protection Act, M.G.L. Chapter 131, section 40, and rules promulgated hereunder, 310 CMR 10.00 and any other applicable local bylaws, rules or regulations; and

(r) Such other information as will aid the Board in judging the application and in determining special conditions and safeguards and as the Board should deem necessary in its determination of completeness of said application.

3. Procedures for Special Permits, Application Procedures and Information

Required: Applications for a special ARCPUD permit shall be made to the Planning board on forms provided for that purpose, accompanied by the required fee. Copies of the completed application shall be distributed to those boards and departments as specified in the Rules and Regulations, which shall include, but not be limited to: the Selectmen, Inspector of Buildings and Conservation Commission.

Melrose *Does zoning include any provisions for housing that is restricted by age?*

No

Mendon *Does zoning include any provisions for housing that is restricted by age?*

No

Merrimac *Does zoning include any provisions for housing that is restricted by age?*

Yes Merrimac Zoning Bylaw 2004

From definitions:

ELDERLY HOUSING : A single-family, Townhouse or MULTI-FAMILY residential development consisting of multiple dwelling units on one single contiguous parcel, restricted for occupancy by households with at least one family member who is 55 years of age or older.

ARTICLE 8. VILLAGE CENTER DISTRICT (VC)

8.3. Uses and Structures Permitted by Special Permit

8.3.1. Multi-family dwellings restricted for occupancy by persons over 65 and persons with disabilities, up to six dwelling units on a conforming LOT.

ARTICLE 16. REGULATIONS FOR ASSISTED LIVING FACILITIES AND ELDERLY HOUSING

16.3. Over-55 Elderly Housing

16.3.1. Applicability. The Planning Board may grant a SPECIAL PERMIT and site plan approval for ELDERLY HOUSING in any district where the use is allowed, on a parcel or contiguous parcels of land with at least five (5) acres of land area. Existing public and private WAYS need not constitute boundaries of the tract, but the area within such WAYS shall not be counted in determining parcel or tract size.

16.3.2. Relationship to Subdivision Control. A subdivision plan is not required for an ELDERLY HOUSING development, but an applicant who proposes a subdivision plan shall submit the same to the Planning Board in accordance with the Planning Board's Subdivision Rules and Regulations.

16.3.3. Site Plan and Design Standards. An assisted living facility is subject to site plan review and design review, and must comply with the requirements of Article 19 of this Bylaw.

16.3.4. Basic Density and Dimensional Requirements.

16.3.4.1. Density. Over-55 housing shall not exceed six units per acre, and over-55 housing units shall contain no more than two bedrooms per dwelling unit.

16.3.4.2 Site Design To the maximum extent possible, over-55 housing shall be designed in accordance with the site plan standards for Open Space Residential Development in Article 15 of this Bylaw.

16.3.4.3. Units in Structures. Over-55 Housing may be comprised of single family, townhouse or multi-family dwellings. Townhouse buildings shall contain no more than four units, and MULTI-FAMILY buildings shall contain no more than eight units.

16.3.4.4. Height. No building shall exceed a building height of 35 feet and two and one half stories.

16.3.4.5. Scale. An over-55 housing development shall not exceed 50 units.

16.3.4.6. Common Open Space. Over-55 housing shall preserve at least 50% of the total land area in the development as permanently protected open

space, designed in accordance with Article 15, Section 9, to the maximum extent possible.

16.3.4.7. Setbacks. All buildings must be located at least 25 feet from any side or rear LOT line and 50 feet from any established street layout or, where applicable, any defined street line of a public road, which street setback area shall be undeveloped and/or landscaped.

16.3.4.7.1. The Planning Board may approve a setback of lesser width if there is sufficient landscaping to screen and/or separate the development from adjacent property. The Board may require no-cut easements, conservation restrictions or the like where the setback has been reduced.

16.3.4.7.2. Buildings shall be located at least 20 feet from interior roadways and driveways that are not considered streets or public roads.

16.3.4.8. Distance between STRUCTURES. The distance between STRUCTURES shall be no less than the average height of the two STRUCTURES or 35 feet, whichever is greater. Such distance shall include any garages or other accessory STRUCTURES.

16.3.5. Road construction. Roads that serve an over-55 development shall be constructed in accordance with the standards of the Subdivision Rules and Regulations of the Town of Merrimac with the exception of width, which shall be determined by the Planning Board. Inspection of the roads during construction shall be in accordance with the procedures contained in the Subdivision Rules and Regulations and the inspection process shall be administered by the Planning Board. Such procedure shall include the payment of any fees or deposits for the inspections as required by the Subdivision Rules and Regulations at the time of site plan submittal.

16.3.6. Off-Street Parking. Over-55 housing shall provide off-street parking in accordance with Article 20. At least one space per unit shall be located so as to provide convenient access to its assigned dwelling unit. Parking garages will be permitted as a parking space if located and designed so as to complement the building design and site layout.

16.3.7. Special Permit Granting Criteria. Before the Planning Board may issue a SPECIAL PERMIT for ELDERLY HOUSING, it shall consider the following criteria:

Methuen *Does zoning include any provisions for housing that is restricted by age?*

No

Middlebor *Does zoning include any provisions for housing that is restricted by age?*

No

Middleton *Does zoning include any provisions for housing that is restricted by age?*

Yes Town of Middleton Zoning Bylaw, Section 8.7 (Last Amended 2003).

"8.7 Residential Density Bonuses for Including Senior Housing and/or a Senior Center in a Development :

8.7.1: In any zoning district that permits residential use, a bonus of 10% above the level of allowed dwelling units will be permitted if the developer of the dwelling units restricts sale and occupancy of the units to persons over age 54. The restriction must be made by use of a restrictive covenant on the property deed, and recorded as such at the Essex County Registry of Deeds. A development must include at least 10 dwelling units to qualify for this bonus. An additional bonus unit will be permitted for each additional 5-10 units permitted in any zoning district that permits residences. Individual building lots containing one dwelling unit per lot, may be proportionately smaller than normally required, but not less than 80% than otherwise required, to allow for the overall applicable residential density bonus.

8.7.2: In any zoning district that permits residential use, a bonus of 10% above the level of allowed dwelling units may be permitted if the developer of the dwelling units includes a senior center of at least 3,000 sq. ft. on the ground floor. The senior center must be fully enclosed, weather-tight, insulated, and include full heating, air conditioning, and plumbing and electrical facilities. It must include an office, a kitchen, 2 lavatories equipped for disabled persons, and two or more large meeting/activity rooms, in addition to ample paved parking, twice the number of handicapped parking spaces normally required, and access drives. A developer will receive both bonuses, amounting to 20% more dwelling units than those normally allowed, if both an age restricted development and senior center are included in a development.

8.7.3: Development under Section 8.7.1 and Section 8.7.2 above shall be subject to issuance of a special permit by the Planning Board. If either age restricted residential development, under provisions of Section 8.7. 1, or a senior center, under provisions of Section 8.7.2 are created, the Planning Board shall review all plans and may only recommend issuance of a Special Permit if it is satisfied that proper consideration has been given to the safety, convenience, appearance and functioning of each development, including the provision of ample parking, drives, walkways, landscaping and all requirements of Section 8. 1. If the Planning Board recommends denial of a Special Permit under Section 8.7.3, it must give written reasons for denial to the applicant within 30 days of its denial.

8.7.4: A senior center produced under the bonus provisions of Section 8.7.2 must be made available, in an equitable manner, to all residents of Middleton over age 54.

8.7.5: Plans submitted in support of application for a Special Permit under Section 8.7 must clearly show provisions for water supply, wastewater disposal, parking, surface water drainage and disposal, vehicle and pedestrian circulation, landscaping, management, maintenance and equitable use of a senior center, if included, and all requirements of Section 8.1."

Milford *Does zoning include any provisions for housing that is restricted by age?*

Yes Town of Milford Zoning Bylaw (Amended 2003)

Article 3 General Regulations 3.11 Housing for the Elderly:

3.11 Housing for the Elderly - Multi- family dwellings, and accessory structures and facilities, which are constructed for or by, and operated and maintained by the Milford Housing Authority for use by the elderly, shall be permitted within any residential zoning district notwithstanding the provisions of Section 2.3, above. Such dwellings shall be permitted only upon the issuance of a Special Permit by the planning Board. No such Special Permit shall be issued by the Planning Board unless each of the following minimum requirements is met:

3.11(a) The lot area, building coverage, open space and height requirements for multi- family dwellings in the RA District, as specified in Section 2.5, above, shall be modified in their application to such multi- family dwellings for the elderly as follows:

Minimum Lot Requirements	
Area, total or first two dwelling units (1,000 s.f.).....	6
Area, each additional dwelling unit (1,000 s.f.).....	1
Width (l.f.).....	80
Frontage (l.f.).....	80
Minimum Yard Requirements	
Front (feet).....	30
Side (feet).....	20
Rear (feet).....	30
Maximum Building	
Coverage (percent of lot area).....	.45
Minimum Open Space*	
Per dwelling unit (s.f.).....	400
Height Requirements	
Maximum Height (feet).....	40
Maximum Number of Stories (whichever is less).....	3

*Open Space, for purposes of Section 3.11 of this By-Law, shall consist of all unoccupied space free from all structures, parking and driveways appurtenant to said parking.

3.11(b) One-third parking space for each dwelling unit or fraction thereof.

3.11(c) The application for such permit is accompanied by a site plan, as specified in Section 1.15.2.1, above.

3.11(d) The Planning Board specifically finds that the activity for which the permit is sought will meet each of the conditions set forth in Section 1.15.6.2, above.

Millbury *Does zoning include any provisions for housing that is restricted by age?*

Yes Bonus points for reserving units for the elderly in the Open Space Community zoning.

"(A) Objective: Encourage residential choice and mix

Bonus Points. 0.25 x percentage of all dwelling units equipped for and legally reserved for the elderly or handicapped. Maximum Points: Ten (10)"

Section 44. Open Space Community.

44.5 Requirements

44.51 Number of Dwelling Units. The following maximum densities shall be applied to the total area encompassed by the overall development plan in order to determine the maximum number of single-family dwelling units allowed in an open space community.

Services Maximum Density

No Public Services 0.9 single-family dwelling units/acre

Public Water Only 1.13 single-family dwelling units/acre

Public Sewerage Only 1.81 single-family dwelling units/acre

Public Water & Sewerage 2.82 single-family dwelling units/acre

The maximum number of multifamily dwelling units allowed within an open space community shall equal two (2) times the difference between the number of single-family dwelling units allowable under this section, and the number of single-family dwelling units proposed to be developed within the open space community. Where the community includes more than one ownership, and/or lies in more than one district, the number of units allowed shall be calculated as above for each district summoned to give an overall allowable total, which may be located on the plan without respect to allowable subtotals by district or ownership. The Planning Board may, at its discretion, approve an open space community containing more than the basic maximum number of dwelling units upon its determination that the proposed development, through the quality of its site selection, programming and design, displays exceptional sensitivity to the objectives of this by-law, the percentage increase over the basic maximum number of dwelling units allowed shall normally be five-tenths times the number of bonus points, as listed below, up to a maximum of fifty percent (50%). The Board shall employ the following as a guide to its determination, and shall explain in its decision any departure from the bonus guide.

(A) Objective: Encourage residential choice and mix

Bonus Points: 0.25 x percentage of all dwelling units equipped for and legally reserved for the elderly or handicapped. Maximum Points: Ten (10)

(B) Objective: Avoid excessive school impact

Bonus Points: 0.05 x percentage of multifamily dwelling units with only one bedroom.

Maximum Points: Five (5)

(C) Objective: Protect existing natural areas; reduce visual impact

Bonus Points: 0.15 x percentage of trees of eight inches (8") plus caliper which are to be retained. Any required open space area shall not be used in the bonus point calculation. Any trees which must be removed to obtain adequate solar access may be excluded from the bonus point calculation.

Maximum Points: Ten (10)

(D) Objective: Protect existing natural areas: wetland protection.

Bonus Points: 1.0 x acres of wetland (as defined by M.G.L. Chapter 131, Section 40) to be retained in its natural state, minus 1.5 x acres of wetlands to be altered.

Maximum Points: Ten (10)

(E) Objective: Protect existing natural areas: Erosion prevention

Bonus Points: 0.4 x acres of land with a slope of fifteen percent (15%) or greater which are to be retained in its natural state.

Maximum Points: Ten (10)

(F) Objective: Protect existing natural areas: Water body protection

Bonus Points: 1.0 x acres of land within two hundred (200) horizontal feet of a river, pond, lake, or stream to be retained in its natural state.

Maximum Points: Ten (10)

(G) Objective: Minimize incongruity with surrounding area.

Bonus Points: 0.1 x percentage of plan boundary abutted by a two hundred foot or more buffer strip to be retained in a natural state or planted with indigenous trees.

Maximum Points: Ten (10)

(H) Objective: Minimize visual impact.

Bonus Points: 0.1 x percentage of dwelling units with the highest habitable floor at a level below the highest ground elevation within five hundred feet (500').

Maximum Points: Ten (10)

(I) Objective: Encourage active or passive recreation.

Bonus Points: 0.5 x acres of common open space which is developed for active or passive recreational activities and is open to the general public or the number of acres in excess of the minimum area requirements of section 44.55, open space,

Maximum Points: Fifteen (15)

(J) Objective: Preservation of agricultural lands.

Bonus Points: 0.5 x acres of agricultural land in which the development rights are transferred to the Town of Millbury or the Commonwealth of Massachusetts.

Maximum Points: Thirty (30)

(K) Objective: Encourage the use of solar energy.

Bonus Points: 0.25 x percentage of dwelling units in which solar energy supplies at least fifty percent (50%) of the total annual energy requirements heating and hot water.

Maximum Points: Twenty-five (25)

Applicants seeking any of the above bonuses shall submit calculations and a other documentation necessary to demonstrate qualification for the bonus. (By-laws of 4-5-80, Art. 74; By-laws of 4-4-81, Art. 23)

Millis

Does zoning include any provisions for housing that is restricted by age?

Yes

From ordinance.com:

Section XVII Senior Residential Community Development

A. Purpose

To provide alternative housing for a maturing population, to provide a type of housing which reduces residents' burdens of property maintenance and which reduces demands on municipal services; to promote flexibility in land use planning in order to (improve site layouts; to protect natural features and environmental values of land, and to utilize land in harmony with neighboring properties

B. General Requirements

1. A tract of land consisting of not less than ten (10) acres, within residential zoning districts may be developed for the construction of a Senior Residential Community (SRC) Bylaw

2. Development under the SRC Bylaw may only be authorized by a Special Permit granted by the Planning Board

3. The maximum number of dwelling units allowed in a tract to be developed under the SRC Bylaw shall be two (2) per acre of useable land Useable land excludes that land which is described in Sections E 2 a, b, and c herein.

C. Development Standards

Prior to the issuance of a Special Permit under this SRC Bylaw, the applicant shall submit the information necessary to demonstrate that the following

development standards have been met

1. The SRC is in an appropriate location and does not adversely affect or alter the character of the neighborhood in comparison to a single family development.
2. Adequate and appropriate facilities will be provided for the proper operation of the SRC
3. The SRC will not be detrimental or offensive to the neighboring properties and zoning districts due to the effects of lighting, odors, smoke, noise, sewage, refuse materials, or other nuisances
4. The SRC will not cause undue traffic congestion in the immediate area
5. The natural landscape on the SRC tract is preserved in large contiguous areas enhancing the likelihood of continuation of existing ecosystems
6. Extensive topographic change necessitating vegetation and tree removal is minimized.
7. Scenic views from public ways are preserved.
8. Open space is used to protect valuable natural environments such as stream valleys, outstanding vegetation or scenic spots. Development of physically or environmentally unsuitable land is avoided.
9. The character of the neighborhood in which the SRC tract lies is enhanced.
10. The development will improve pedestrian and vehicular safety within the site and will not cause unreasonable traffic congestion or unsafe conditions.
11. The development will provide for and maintain convenient and safe emergency vehicle access to all buildings and structures at all times.

D. Age Qualifications

All SRC dwelling units shall be subject to an age restriction described in a deed, deed rider, restrictive covenant, or other document approved by the Planning Board that shall be recorded at the Registry of Deeds or Land Court. The age restriction shall limit dwelling units to occupancy by seniors, age fifty-five (55) or older, or their spouses of any age; and provide for time-limited guest visitation rights in the range of three months per year. The restriction, if the Planning Board so approves and specifies in its Special Permit, may authorize special exceptions that allow persons of all ages to live in a dwelling unit together with a senior resident for purposes such as care of a senior in ill health or enabling seniors to fulfill legal responsibilities of guardianship or custody. The Special Permit including the age restriction shall run with the land in perpetuity and shall be enforceable by any owner(s) of SRC dwelling units. In the event of the death of the qualifying owner/ occupant (s) of a dwelling unit, or foreclosure or other involuntary transfer of a unit within the SRC, a two-year exemption to the restriction shall be allowed for the transfer of the unit to another eligible occupant.

****Webmasters Note:** The previous subsection has been amended as per an update approved at a town meeting held on 5/12/03.

E. Open Space Requirements

Each SRC shall provide open space in accordance with the following:

1. A tract of land developed as an SRC development shall contain land set aside as permanent open space. However, in no case shall the Required open space be less than thirty-five (35%) percent of the total area of the tract of land.
2. The following areas shall not comprise a greater percentage of the required open space than the percentage of such areas found on the overall tract of land.
 - a. Wetlands as defined in M.G.L. Chapter 131 and any rules and regulations of the Millis Conservation Commission;

****Webmasters Note:** The previous subsection has been amended as per an update approved at a town meeting held on 5/12/03.

b. Land within the Town of Millis's Special Flood Hazard District or Watershed Protection District:

c. Floodplains as shown on the National Flood Insurance Program Flood Insurance Rate Map Zones A and AI-30.

3. None of the required open space shall consist of wastewater or stormwater management systems. However, the Planning Board may waive this requirement where it is determined that placement of below grade wastewater or stormwater management systems in Required Open Space would significantly promote the goals of this bylaw and that such placement would be in existing open fields or meadows and not require material alteration of the topography or landscape or, except as the Planning Board may individually authorize, the removal of trees. Use of this waiver shall be regarded as an exception to this bylaw not to be routinely permitted and then only for the clearly identified furtherance of goals cited in Section A.

4. The required open space shall be contiguous. Contiguous shall be defined as being connected. Open Space may be considered connected if it is separated by a single roadway. The Planning Board may waive this requirement where it is determined that non-contiguous open space will promote the

goals of this Bylaw by preserving distinctive characteristics of the landscape that would otherwise be destroyed and that the Required Open Space would consist of not more than three parcels, none less than one acre in size.

5. Where possible, existing trees and vegetation shall be preserved and integrated into the landscape design plan to ensure visual privacy between structures, abutting properties, and neighborhoods.

6. No more than five (5%) percent of all the open space in the SRC development shall be covered by manmade impervious surfaces unless the Planning Board determines that an increased amount of impervious surface area will further the purposes of this Bylaw.

F. Ownership and Management of Open Space

...
G. Design Criteria

1. Dwelling units may be attached, or detached as single units, or a combination of these types.
2. Dwelling Units Per Building - No building shall contain more than four dwelling units.
3. Maximum Height - No building constructed in an SRC shall exceed 35 feet in height.
4. Maximum Number of Bedrooms - No dwelling unit constructed in a SRC shall contain more than three bedrooms. No more than ten percent (10%) of the total units in a SRC shall have fewer than two bedrooms. No more than thirty (30%) of the total units shall have three bedrooms.
5. Accessory Buildings and Structures - In an SRC, accessory buildings and structures may be permitted, including clubhouse, swimming pool, tennis court, cabanas, storage and maintenance structures, garages, and other customary accessory structures. Accessory buildings and structures shall be shown on the Site Plan.
6. Miscellaneous Design Criteria - All buildings in an SRC shall be designed (i) to have compatibility of style, building materials and colors with those in Millis, (ii) to afford variations of facade and roof lines, and interior layouts of dwelling units, (iii) so as not to have any dwelling unit extend under or over another dwelling unit in the same building and (iv) to comply with requirements of law with respect to housing intended for persons of age fifty-five and over. The Planning Board may utilize the skills of a qualified consultant, at the applicant's expense in accordance with G.L. c. 44, §53G, to review the architectural details and styling of the buildings prior to approval of an SRC.
7. Interrelationship of Buildings - The proposed buildings shall be related harmoniously to each other with adequate light, air, circulation, privacy and separation between buildings. Buildings shall comply with a minimum setback of twenty (20) feet from each other and all other structures in the development.
8. Additional Physical Requirements - The following requirements shall apply to all Senior Residential Communities
 - a. Parking - ...
 - b. Private Roads - ...
 - c. Other Facilities - ...
 - d. Project Maintenance - ...
 - e. Wastewater Disposal - ...
 - f. Perimeter Buffer - ...

Millville

Does zoning include any provisions for housing that is restricted by age?

No

Milton

Does zoning include any provisions for housing that is restricted by age?

Yes

Zoning Bylaws Town of Milton, Section III (D) (Current Electronic Draft as of July 1, 2004)
D. Residence D, D-1 and D-2 Use. In a Residence D, D-1 or D-2 district, except as herein otherwise provided,

no building or land shall be used and no building shall be erected or converted except for the following purposes:

1. To provide Housing for the Elderly in a Residence D district; to provide Housing for the Elderly or Handicapped in a Residence D-1 district; and to provide Housing for the Elderly in a Residence D-2 district, such housing to be owned and operated only by either a private non-profit organization or by a local Housing Authority established under General Laws Chapter 121 Section 26K, as it may from time to time be amended, or owned and operated jointly by such organizations so far as permitted by law.

2. For the purposes of Subsection D.1 above a "private non-profit corporation" shall mean a corporation, foundation or other organization no part of the net earnings of which inures to the benefit of any private shareholder or individual, except that with respect to the Residence D-2 district, such term shall mean a corporation, foundation or other organization established under applicable state law, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

3. If any part of land included in a Limited Residence D district is not being used for Housing for the Elderly, the owner may apply to the Board of Appeals for a special permit to use said part of the land for any use permitted in a Residence AA, A, B or C district. If the permit is granted, all provisions in this bylaw applicable to the most appropriate Residence District shall apply and the Board of Appeals shall determine whether the land for which the permit is granted shall be governed by the provisions of a Residence AA, A, B or C district. While any such permit is in force any such land shall be free of all restrictions and conditions applicable to the use of land for Housing for the Elderly and need not be owned or operated by a non-profit corporation or Housing Authority. Land subject to such a permit may at any time, on application of the owner or with his consent, be redesignated by the Board of Appeals for the primary use of Section D.

If any part of land included in a Limited Residence D-1 District is not being used for Housing for the Elderly or Handicapped, the owner may apply to the Board of Appeals for a special permit to use said part of land for any use permitted in the Residence AA, A, B or C district within which said part of land was located immediately prior to its incorporation into a Residence D-1 district. If the permit is granted, all provisions in this bylaw applicable to the appropriate Residence district shall apply and the Board of Appeals shall determine whether the land for which the permit is granted shall be governed by the provisions of a Residence AA, A, B or C district. While any such permit is in force any such land shall be free of all restrictions and conditions applicable in Residence D-1 districts to the use and ownership of such land. Land subject to such a permit may at any time, on application of the owner or with his consent, be re-designated by the Board of Appeals for the primary use in a Residence D or D-1 district.

4. On each lot in a Residence D, D-1 or D-2 district, permitted accessory uses shall include one separate building, not exceeding one story in height, to house snow removal and mowing machines, garden and other tools, and other equipment required to maintain and service the Housing for the Elderly buildings in a Residence D district, the Housing for the Elderly or Handicapped buildings in a Residence D-1 district, and the Housing for the Elderly buildings in a Residence D-2 district Section III - Use Regulations erected on said lot and shall include such other accessory uses as are customarily incident to such Housing.

5. In Residence D, D-1 and D-2 districts the owners and operators shall comply with all the rules and regulations of the Town Departments concerning safety, services, ways and health.

Nahant

Does zoning include any provisions for housing that is restricted by age?

No

Natick

Does zoning include any provisions for housing that is restricted by age?

Yes

Zoning Bylaw of the Town of Natick, Section 200 (from website, 8/04) - Definitions

Health Care Or Retirement Facility: a structure or a portion thereof in which persons are housed, reside or visit, on a short term or long term basis, and have available therein medical or nursing professional services, and/or facilities or services to assist in daily

living, sustenance, care or rehabilitation; such as, but not limited to: assisted living, continuing care retirement facility or community, lifecare community, congregate housing for the elderly, board and care facility, rehabilitative care facility, convalescent or nursing home, rest home, adult day care, skilled nursing facility, diagnostic and health care professional offices and hospital. (Art. 1, S.T.M. #5, 11/16/93)

From ordinance.com:

III-5. F COMPREHENSIVE CLUSTER DEVELOPMENT OPTION

1. PURPOSE AND INTENT:

The Comprehensive Cluster Development (CCD) option is designed to help the Town maximize available land for open space, increase the amount of affordable housing, encourage the creation of handicapped accessible housing and provide both age-qualified housing and conventional housing while preserving Natick's New England character.

This development alternative permits a more economical and efficient use of residential land than may be accomplished through standard subdivision development by: protecting the existing character of the landscape; introducing diversity into residential developments; and preserving more public open space for water supply, wetland, and other natural habitat, conservation, and recreation. In addition, it reduces the typical costs of providing municipal services to residential developments. Such objectives may be obtained as an alternative or optional choice by a landowner in the Residential Single-B (RSB) District.

Applicants can benefit from choosing this option because they are able to increase the density of their development over other available options in the RSB district.

2. APPLICABILITY

The Planning Board may grant a Special Permit, Site Plan Approval in accordance with Section VI-DD and VI-EE of these by-laws and subdivision approval in accordance with the subdivision rules and regulations, and other rules and regulations as adopted pursuant to Section III-5.F.4(c) herein, for the construction and occupancy of a CCD located in the RSB District, provided that the gross land area of the parcel is at least one million (1,000,000) square feet. The applicant must either own or submit authorization in writing to act for all the owners to the lots comprising the parcel prior to submitting a formal application.

3. PERMITTED AND ALLOWED USES

The Planning Board, acting as a Special Permit Granting Authority as hereinafter provided, may grant a special permit pursuant to the provisions of the By-Law and M.G.L. Chapter 40A for the following uses:

- a. Single family homes which meet the dimensional requirements of single family lots as stated in Section III-5.F.7(a) herein.
- b. Town Houses, provided that the total number of Town House units does not exceed fifty-five (55) percent of the total number of units permitted for the entire CCD pursuant Section III-5.F.6 herein.
- c. Indoor & outdoor tennis courts, swimming pools and other noncommercial recreational facilities with use restricted to residents of the CCD, including accessory structures necessary for appropriate non-commercial use and operation of such recreational facilities.
- d. Age-qualified housing units, provided that the total number of agequalified housing units does not exceed fifty-five (55) percent of the total number of units permitted for the entire CCD pursuant Section III-5.F.6 herein.
- e. The Planning Board may adopt regulations further providing for the relative percentage mix of single family homes; Town Houses, and age-qualified housing units.

4. PROCEDURES:

The procedures to be followed in obtaining approval for the CCD are:

a. Pre-Application: To promote better communication and to avoid misunderstanding, the applicant shall request a pre-application review at a regular business meeting of the Planning Board. The Planning Board shall invite the Conservation Commission, Board of Health and any other Committee and/or Board with interest in the proposal to the pre-application review. The purpose of a pre application review is to minimize the applicant's costs of engineering and other technical experts and to commence negotiations with the Planning Board at the earliest possible time in the development cycle. At the pre-application review, the applicant may outline the proposal, seek preliminary feedback from the Planning Board and/or its technical experts, and set a timetable for submittal of a formal application. At the request and expense of the applicant, the Planning Board may engage technical experts to the informal plans of the applicant and to facilitate submittal of a formal application for approval of a CCD.

In order to facilitate review of the CCD at the pre-application stage, applicants are strongly encouraged to submit the following information:

i. Site Context Map. This map illustrates the parcel in relation to its surrounding neighborhood. Based upon existing data sources and field inspections, it should show various kinds of major natural resource areas or features that cross parcel lines or that are located on adjoining lands. This map enables the Planning Board to understand the site in relation to what is occurring on adjacent properties.

ii. Existing Conditions/Site Analysis Map. This map familiarizes officials with existing conditions on the property. Based upon existing data sources and field inspections, this base map locates and describes noteworthy resources that should be left protected through sensitive subdivision layouts. These resources include wetlands, riverfront areas, floodplains and steep slopes, but may also include mature un-degraded woodlands, hedgerows, farmland, unique or special wildlife habitats, historic or cultural features (such as old structures or stone walls), unusual geologic formations and scenic views in to and out from the property. By overlaying this plan onto a development plan, the parties involved can clearly see where conservation priorities and desired development overlap and/or conflict.

Applicants are encouraged to request a site visit by the Planning Board and/or its agents in order to facilitate the pre-application review of the CCD.

b. Formal Application: The applicant for a CCD shall submit to the Planning Board a formal application for a Special Permit which includes a Final Site Plan in accordance with Section VI-DD.3 and a definitive plan for subdivision approval, and which is otherwise in compliance with Rules and Regulations especially established by the Planning Board relative thereto. The application shall be filed in the name of the record owner(s) of the parcel(s) to be developed. The date of application shall be the date when filing is made with the Planning Board.

c. Further Procedures: The hearing and further proceedings regarding the application shall be in accordance with M.G.L. Chapter 40A; M.G.L. Chapter 41, Section 81 K et seq; and the Town of Natick By-laws. The Planning Board may adopt Rules and Regulations for the proceedings under Section III-5.F, and in accordance with M.G.L. Chapter 41, Section 81A, and 81 Q; and may waive strict compliance therewith, in accordance with M.G.L. Chapter 41, Section 81 R.

5. CRITERIA:

Approval of the application for a Site Plan Approval-and for subdivision approval to allow the construction of a CCD shall be granted only upon Planning Board determination that the plan is superior to a conventional subdivision plan.

a. The following criteria shall be used to make the determination as to whether or not the plan is superior:

i. The preservation and public accessibility of open space for conservation or recreation and other objectives outlined in the town's current Open Space Plan;

ii. The protection of significant large contiguous areas of natural features of the land; which would avoid extensive topographic change necessitating vegetation and tree removal or earth removal;

iii. The protection of historical or other significant features;

iv. More efficient provision of street, utilities and other public services; and

v. The provision of a diversity of dwelling unit styles, sizes, and architectural elements

b. Specific means of achieving these objectives include:

i. Avoidance of frequent driveway openings onto through streets, or near street intersections;

ii. Avoidance of extensive topographic change necessitating vegetation, earth and/or tree removal;

iii. Preservation of scenic views from public ways;

iv. Preservation of natural landscapes in large contiguous areas and corridors, which are visible from roadways and residences, enhancing the likelihood of the continuation of existing ecosystems and providing an interconnection to adjoining open spaces for both wildlife and public access;

v. Accessibility of the Preserved Open Space to substantially all of the dwelling units and the public;

vi. Variations in lot sizes, building styles, building sizes and building arrangements; and

vii. Use of Preserved Open Space - to protect significant natural environment such as but not limited to ground water recharge areas; wetlands that provide flood protection; stream valleys; outstanding vegetation; woodland; field and wetland habitat; or scenic spots; and - to avoid development on geologically unsuitable land.

6. NUMBER OF DWELLING UNITS:

The maximum number of dwelling units allowed in a CCD shall equal the "Net Usable Land Area" within the parcel divided by 15,000 square feet then

rounded to the nearest whole number. At least ten percent (10%) of this total number of dwelling units shall be Affordable Housing Units as defined in Section 200 herein (see also the definition of Subsidized Housing herein).

As used herein, "Net Usable Land Area": shall mean eighty percent (80%) of the resultant area obtained by subtracting the required preserved open space, as defined in Section III-5F.12 from the gross land area of the parcel. Additionally, if the sum of the land area lying below the 100-year flood elevation and the wetland resource area, as defined in Section III-5.F.12, exceeds twenty five (25) percent of the gross land area of the parcel, then the Net Usable Land Area will further be reduced by the amount that this sum exceeds the twenty five (25) percent threshold. Furthermore, if the Final Site Plan includes a recreational facility, all the land area dedicated to that facility will be deducted from the "net usable land area" for the purpose of calculating the maximum number of dwelling units.

7. INTENSITY REGULATIONS

a. Single -family structures shall be on lots having the following requirements:

- i. Minimum lot area 20,000 square feet
- ii. Continuous frontage minimum of 120 feet
- iii. Minimum depth 125 feet*
- iv. Minimum setback, front 30 feet with garage
- v. Minimum side-yard setback 12 feet
- vi. Minimum rear-yard setback 25 feet
- vii. Maximum building coverage 20%
- viii. Maximum building height 2 & 1/2 stories or 35 feet
- ix. *subject to waiver, see Section II-5.F.8e

b. Town Houses shall be built on separate Town House lot(s), with each such Town House lot consisting of at least 7,000 square feet of land times the number of dwelling units to be built on that lot. Access to the lot shall be built from a right of way, having at least fifty (50) feet of width. All Town Houses shall be built at least fifty (50) feet from the lot lines of the Town House lot and shall have a maximum building height of 35 feet.* If the Town House lot abuts any portion of the exterior boundary of the overall development parcel, the setback requirements of Section III-5.F.8a shall apply.

8. EXCEPTIONS TO THE OTHERWISE APPLICABLE INTENSITY REGULATIONS

a. No building or parking shall be located within one hundred (100) feet of the boundaries of the parcel unless the Planning Board determines that a lesser setback would be sufficient to visually screen or separate the development from adjacent property, however, under no circumstances will the setback be less than fifty (50) feet.

b. No construction shall take place within the one hundred (100) year flood elevation line except in conformity with the requirements of M.G.L. Chapter 131, Section 40, and procedures established by the Town for such areas pursuant to the National Flood Insurance Program (42 USC 4001-4128) and the regulations of the Secretary of Housing and Urban Development issued thereunder.

c. Frontage need not exceed fifty (50) feet on any lot for a single family home providing a front building line is designated on the plan for such lot, and if the width of the lot at this building line is at least equal to the frontage otherwise required under this section.

d. Indoor and outdoor recreational facilities intended for use by CCD residents of more than one dwelling unit shall be located on a separate lot containing no dwelling units.

e. The depth of the lots as delineated in Section III-5.F.7 (a) may be reduced, if in the opinion of the Planning Board that a waiver would improve the layout of the overall plan.

9. AGE-QUALIFIED HOUSING UNITS

The age-qualified housing units shall be subject to an age restriction described in a deed, deed rider, restrictive covenant, or other document that shall be recorded at the Registry of Deeds or the Land Court. The age restriction shall require at least one occupant in each age-qualified housing unit to be at least age 55; provide for reasonable, time-limited guest visitation rights; and authorize special exceptions as the Planning Board shall further define and specify in its special permit. The age restriction shall run with the land in perpetuity and shall be enforceable by any or all of the owners of the age qualified housing units.

10. AFFORDABILITY

It is mandatory that a percentage of dwelling units in a CCD be sold, rented, or leased at prices and rates that are affordable to low- and moderate-income individuals, as more specifically set forth in the following:

- a. Affordable Housing shall be determined in accordance with the definition of Subsidized Housing found in Section 200. All Affordable Housing units that are built shall be provided for sale through the Natick Housing Corporation or any similar organization, as determined by the Planning Board.
- b. Basic Affordability Component - At least 10% of the units in the CCD, to the nearest whole number, shall be Affordable Housing units. None of the Affordable Housing units shall be age-qualified housing units.
- c. Affordability Standards - Subject to Planning Board approval, an applicant for a CCD special permit may utilize any available State or Federal assistance program or shall meet the Affordable Housing unit requirements by utilizing income and asset standards, and by establishing rents, leases, sales prices, entry fees, condominium fees, and other costs for individuals that are generally consistent with available Affordable Housing assistance programs.
- d. Affordability Restrictions - affordable units shall be maintained in perpetuity. Each affordable unit shall be rented or sold to its initial and all subsequent buyers or tenants subject to deed riders, restrictive covenants, contractual agreements, or other mechanisms restricting the use and occupancy, rent levels, sales prices, resale prices, and other cost factors to assure their long term affordability. These restrictions shall be in force for such maximum time as may be permitted under applicable state law governing such restrictions. They shall be enforceable and renewable by the Town of Natick through standard procedures provided by applicable law.
 - i. The Planning Board may require that the restrictions for affordable units contain a right of first refusal to the Town of Natick or its designee at the restricted resale value, and that the owner provides notice of such right of first refusal to the Planning Board or its designee prior to selling or reselling the affordable unit with such reasonable time as the Planning Board may determine in its discretion for the town or its designee is necessary to exercise the right of first refusal.
 - ii. Nothing in this Section shall be construed to cause eviction of an owner or tenant of an Affordable Housing unit due to loss of his/her income eligibility status during the time of ownership or tenancy. Rather, the restrictions governing an Affordable Housing unit shall be enforced upon resale, re rental, or re-lease of the Affordable Housing unit. The mechanisms and remedies to enforce the restrictions governing an Affordable Housing unit upon resale, re-rental, or re-lease shall be set forth in its deed restrictions.
 - iii. All contractual agreements with the Town of Natick and other documents necessary to insure the long term affordability of an affordable unit shall be executed prior to the issuance of any building permit-under this option.
- e. The exterior of the affordable units shall be compatible with, and as much as possible indistinguishable from, market-rate dwelling units in the CCD development.
- f. Local Preference - Unless otherwise regulated by an applicable Federal or State agency under a financing or other subsidy program, at least fifty percent (50%) of the affordable units shall be initially offered to residents and employees of the Town of Natick.
 - i. Residency and employment in Natick shall be established through Town Clerk certification based on the Town Census, voter registration, or other acceptable evidence approved by the Town Clerk.
 - ii. Purchaser/tenant selection - Procedures for the selection of purchasers and/or tenants shall be subject to regulations adopted by the Planning Board .
 - iii. These restrictions shall be in force for one hundred and twenty (120) days from the date of the first offering of sale or rental of a particular affordable unit.

11. BUILDING DESIGN CRITERIA

All buildings and structures shall be designed, located and constructed to afford the following:

- a. Compatibility of architectural styles, scales, building materials and colors within the development;
- b. Variations in facade, roof lines and interior layouts of dwelling units, including the design of units that are handicapped accessible;
- c. Harmonious relationship of buildings and structures to each other and their environs with adequate light, air, circulation, privacy and separation; and
- d. The capability for constant surveillance, orientation and recognition; to this end, and in lieu of providing conventional street lighting, individual building lot front yards and other areas along roadways not fronting building lots and approaches to common-use buildings and structures, shall be provided with architecturally compatible street-level-type lamp post lighting necessary to provide safety, security and visual indications, as determined by the Planning Board.

12. PRESERVED OPEN SPACE

In Comprehensive Cluster Developments, it is desired to create an environment in which large tracts of contiguous land are preserved for publicly accessible open space. Preserved open space must include at least twenty percent (20%) of the frontage on the roads servicing the CCD. A portion of the preserved open space may be used as a common surrounded by a one-way road, in which event all of the road abutting such common will be counted as

frontage for the purpose of fulfilling the foregoing requirement.

For the purposes of this section, the preserved open space shall comprise not less than fifty (50) percent of the total land area of the parcel for which there is a Final Site Plan and will not include rights of way for roads, detached single-family lots, Town House lots or recreational facilities as defined in Section III-5.F.3(c). Also, land which is under an existing conservation restriction or agricultural, forest land, or recreational restriction, (APR or Chapter 61, Chapter 61 A, Chapter 61 B) may not be included in the preserved open space. At least eighty percent (80%) of the dwelling units shall abut or be within five hundred (500') feet of the Preserved Open Space and all dwelling units shall have access via a public way or easement to such Preserved Open Space. At least fifty percent (50%) of the Preserved Open Space shall not be primary zone wetlands or land within the 100-year flood elevation either as shown on the Townwide Drainage study maps or as delineated by a qualified wetland scientist. All the Preserved Open Space shall be accessible to the general public. The Special Permit authorizing the CCD shall further provide that the Preserved Open Space shall be:

- a. Conveyed to and accepted by the Town of Natick under a conservation restriction pursuant to M.G.L. Chapter 184, as amended;
- b. Conveyed to a non-profit organization, the principal purpose of which is the conservation of open space; or
- c. Conveyed to the owners of all the lots within the CCD as tenants in common, provided that title to such open space and to the lots is not separately alienable; or
- d. Conveyed to a corporation or trust owned or to be owned, by the owners of the lots or residential units within the CCD for recreation or conservation purposes, with each lot subject to a proportionate charge for its share of the reasonable and appropriate maintenance expenses.
- e. If method (b), (c), or (d) is elected, in addition, the Town shall be granted a conservation restriction over the Preserved Open Space pursuant to M.G.L. Chapter 184, as amended; and in the event the Town is required to expend funds for the reasonable and appropriate maintenance expenses of the Preserved Open Space, then each lot in the CCD shall be subject to a proportionate charge for its share of such expenses. No more than one method shall be elected for the Preserved Open Space within any CCD, unless the Planning Board shall otherwise approve. (Art. 4, S.T.M. #2, 12/03/02)

Needham

Does zoning include any provisions for housing that is restricted by age?

No

The Land Use Ordinance of Needham
NORFOLK COUNTY, MASSACHUSETTS
ZONING BY-LAW
3. USE REGULATIONS

3.2.1 Uses in the Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, Apartment A-1, Apartment A-2, Apartment A-3, Institutional, Industrial, Industrial-1 and Industrial Park Districts.

The use of an owneroccupied structure for shared elderly housing for up to six elderly occupants (age 60 or over); provided, (1) that such structure so used shall not be sub-divided into separate apartments, (2) that occupancies therein by non-owner occupants shall be pursuant to an agreement specifying a term of occupancy of not less than one year, (3) that at any time there shall be in the town no more than fifty structures for which permits have been issued under authority of this section, (4) that no more than 20 percent of such structures shall be located in any one precinct of the town, and (5) that the number of structures for which permits are granted hereunder in any one year shall not exceed five.

Newbury

Does zoning include any provisions for housing that is restricted by age?

No

Newburypo

Does zoning include any provisions for housing that is restricted by age?

No

Newton

Does zoning include any provisions for housing that is restricted by age?

No

(e) Special Permits in Multi-Residence 2 Districts. In all multi-residence 2 districts, on lots of not less than 24,000 square feet, the board of aldermen may grant a special permit in accordance with the procedures in section 30-24 and the density and dimensional controls set forth in section 30-15 and tile parking requirements set forth in section 30-19 to use land, buildings and structures for garden construction on a single lot, provided, however, the board of aldermen, may permit the construction of apartments built under local, state or federal housing programs for elderly persons with a lesser lot area requirement for each dwelling unit, which shall in no case be less than fifteen hundred (1,500) square feet per dwelling unit.

Norfolk

Does zoning include any provisions for housing that is restricted by age?

Yes

ZONING BYLAW FOR THE TOWN OF NORFOLK, MASSACHUSETTS

B. DEFINITIONS

AGE RESTRICTED DWELLINGS/HOUSING - Dwelling units for only adult residents of which at least one is 55 years of age and older. Such dwellings shall have this age restriction as part of the deed for the dwelling and/or property.

ZONING BYLAW FOR THE TOWN OF NORFOLK, MASSACHUSETTS

Section I. TOWN CENTER DISTRICT (B-1)

I.4.a.9. Residential Use. Notwithstanding any contrary provisions of the zoning bylaw, Section F.11., Site Plan Approval, and Section F.12., Design Review, shall also apply to all Assisted Living Facilities and mixed-use BUILDINGS, STRUCTURES or uses within the B-1 District.

I.4.a.11. Residential Density. Residential DWELLING UNITS, except for ASSISTED LIVING FACILITIES, shall not have more than one bedroom per unit. Residential densities, except for ASSISTED LIVING FACILITIES, shall not exceed the ratio of six bedrooms per acre for any single LOT or an entire PLANNED MULTI-LOT DEVELOPMENT. Residential densities for ASSISTED LIVING FACILITIES shall not exceed the ratio of 16 bedrooms per acre for any single LOT or an entire PLANNED MULTI-LOT DEVELOPMENT, except by Special Permit by the Zoning Board of Appeals.

ZONING BYLAW FOR THE TOWN OF NORFOLK, MASSACHUSETTS

Section K. C-4 DISTRICT (ROUTE 115/HOLBROOK STREET)

K.4.a.2. Complex sites with mixed and residential uses: Where a single site is proposed to have AGE-RESTRICTED residential and non-residential uses, a comprehensive plan must first be approved by the Planning Board. This engineered plan must indicate the total circulation concept for both vehicles and pedestrians, the types of uses proposed to be adjacent to the residential uses and the buffer locations between the residential and non-residential uses. The plan must also include a comprehensive design concept that addresses architectural detail; the location of buildings in relation to the access road, general open space, local open space adjacent to buildings, pathways/sidewalks, and any non-residential or common recreation or assembly facilities; and streetscape issues such as streetlights, street trees, sidewalks and landscaping.

K.4.b.4. Residential Buildings and AGE RESTRICTIVE HOUSING

(A) Location: AGE RESTRICTED HOUSING shall be configured pursuant to the requirements of Section K.7.a.

ASSISTED LIVING FACILITIES shall be defined with a property/site limit (boundary).

(B) Landscape Requirements: For each foot of FRONTAGE the LOT shall contain 40 square feet of landscaping. This requirement shall not be conditioned to require landscaping of more than 20% of the LOT.

(C) Road and Circulation Requirements. AGE RESTRICTED HOUSING shall have a through access road providing two points of access to these residential buildings from a public way. Such access road shall comply with the Planning Board Rules and Regulations for a residential STREET. Dwellings configured on a cul de sac must comply with the Planning Board Rules and Regulations for subdivision road/drive layout and this road/drive must connect directly to the through road.

(D) Building Height: AGE RESTRICTED HOUSING units shall not exceed two (2) Stories and shall not exceed a height of 35 feet. ASSISTED LIVING FACILITIES shall not exceed three (3) stories and shall not exceed a height of 45 feet.

(E) AGE-RESTRICTED housing developments with 50 or more units shall include a common building or interior space to serve as a place of assembly and recreation for residents of the development and their guests.

K.7.a. Allowed Uses

AGRICULTURAL, GREENHOUSE, Retail Nursery;
ADULT DAY CARE;

AGE RESTRICTED DWELLINGS shall not exceed two bedrooms per dwelling unit and shall not exceed a ratio of four units per acre on a single lot or an entire PMLD with the following Permitted Dwelling Configurations: (1) Detached one Family dwelling; (2) Attached one-family dwellings in a Town house style building not exceeding six; (6) Dwellings units per building and not exceeding two stories in height.];

K.7.b. Special Permit Uses by the Zoning Board of Appeals

ASSISTED LIVING FACILITIES not exceeding a density of 16 bedrooms per acre for single lot or an entire PMLD with Adult Day Care (drop-in center) as an ancillary use and Meeting Rooms or Buildings accessory to ASSISTED LIVING FACILITIES;

L. C-6 RESIDENTIAL/COMMERCIAL USE DISTRICT (Route 1A, Dedham Street)

L.4.a.2. Complex sites with mixed and residential uses. Where a single site is proposed to have age-restricted residential and/or nonresidential uses, a comprehensive plan must be approved by the Planning Board. This engineered plan must indicate the total circulation concept for both vehicles and pedestrians, the types of uses proposed to be adjacent to the residential uses and the buffer locations between the residential and non-residential uses. The plan must also include a comprehensive design concept that addresses architectural details; the location of buildings in relation to the access road, general open space, local open space adjacent to buildings, pathways/sidewalks, and any non-residential or common recreation or assembly facilities; and streetscape issues such as streetlights, street trees, sidewalks and landscaping.

L.4.b.4. Residential Buildings and AGE RESTRICTIVE HOUSING

(A) Location: AGE RESTRICTED HOUSING shall be configured pursuant to the requirements of section L.7.a. ASSISTED LIVING FACILITIES shall be defined with a property/site limit (boundary).

(B) Landscape Requirements: For each foot of FRONTAGE and each linear foot of private access road, the LOT shall contain 40 square feet of landscaping. This requirement shall not be conditioned to require landscaping of more than 20% of the LOT.

(C) Road and Circulation Requirements. AGE RESTRICTED HOUSING shall have a through access road providing two points of access to those residential buildings from a public way. Such access road shall comply with the Planning Board Rules and Regulations for a residential STREET. Dwellings configured on a cul de sac must comply with the Planning Board Rules and Regulations for subdivision road/drive layout and this road/drive must connect directly to the through road.

(D) Building Height: AGE RESTRICTED HOUSING units shall not exceed two and one half (2 1/2) Stories and shall not exceed a height of 35 feet. ASSISTED LIVING FACILITIES shall not exceed three (3) stories and shall not exceed a height of 45 feet.

(E) AGE RESTRICTED HOUSING developments with 50 or more units shall include a common building or interior space to serve as place of assembly and recreation for residents of the development and their guests.

L.7. Allowed and Special Permit Allowed Regulated Uses in the C-6 District

No BUILDING, STRUCTURE or land in the C-6 District shall be used for any purpose or in any manner other than as set forth in this section. Any use not specifically enumerated herein shall be deemed prohibited.

All residential uses herein permitted shall be subject to Section F.11 Site Plan Approval and Section F.12 Design Review.

L.7.a. Allowed Uses

AGRICULTURAL, GREENHOUSE, Retail Nursery;
ADULT DAY CARE;

AGE RESTRICTED DWELLINGS shall not exceed two bedrooms per dwelling unit and shall not exceed a ratio of three units per acre on a single lot or an entire PMLD with the following Permitted Dwelling Configurations:

(1) Detached one Family dwelling; (2) Attached one-family dwellings in a Town house style building not exceeding six; (6) Dwellings units per building and not exceeding two and one half stories in height.];

L.7.b. Special Permit Uses by the Zoning Board of Appeals

ASSISTED LIVING FACILITIES not exceeding a density of 16 bedrooms per acre for single lot or an entire PMLD with Adult Day Care (drop-in center) as an ancillary use and Meeting Rooms or Buildings accessory to ASSISTED LIVING FACILITIES;

North And

Does zoning include any provisions for housing that is restricted by age?

Yes

Town of North Andover Zoning Bylaw, Section 14 (Adopted 1972, Last Amended 2003).
"SECTION 14 INDEPENDENT ELDERLY HOUSING

14.1 Establishment

Independent Elderly Housing shall be permitted use under the special permit provisions of this Bylaw in the Residential-3 District. The Planning Board may review a definitive plan under the special permit provisions in Section 10.3 and as is otherwise provided in this section.

14.2 Purpose

The purpose of an Independent Elderly Housing special permit is to provide an alternative and supplement to the traditional forms of elderly housing promoted by the Town. It is further intended to encourage the preservation of open space; and to preserve the Town's residential character.

14.3 Definition

INDEPENDENT ELDERLY HOUSING is a multi-family residential structure, each dwelling unit with separate access; restricted to individuals and couples 55 years of age and older, but not excluding physically or mentally handicapped individuals.

14.4 Permitted Uses

Single, duplex and multi-family residential structures,

14.5 Standards and Restrictions

a. Minimum Lot Size: A single lot at least 10 acres.

b. Permissible Density: Four dwelling units per acre, with no more than eighty nine (89) dwelling units independent elderly housing development, or not more than one hundred (100) in any one in the event of compliance with the provisions of paragraph 6 below (Density Bonus); and in no instance shall the maximum FAR exceed 0.20.

c. Maximum Lot Coverage: In no event shall the maximum lot coverage of buildings exceed twenty-five percent (25%).

d. Setbacks:

1. Perimeter Setback: The setback area is intended to provide a perimeter greenbelt around any independent elderly housing development except for roads and utility crossings. No building or other structure shall be located within one hundred (100) feet of the perimeter lot lines of an independent elderly housing development.

2. Minimum Frontage: Frontage: Frontage on any public street or way shall be one hundred fifty (150) feet, except Route 114 where for reasons of public safety shall be two hundred fifty (250) feet.

3. Maximum Height: The height of any structure shall conform to the height requirement of the R-3 District.

e. Common Open Space: All land within the parcel or lot which is not specifically reserved for the support of dwelling units and which is not covered by buildings, roads, driveways, parking areas or service areas, or which is not set aside as private yards, patios or gardens for residents shall be common open space. Further, all common open space shall be open and unobstructed to the sky; flagpoles, sculptures, benches, swimming pools, tennis courts, atriums, trees and similar objects shall not be considered obstructions. The area of common open space shall equal at least fifty (50) percent of the total area of parcel or lot and not more than twenty-five (25) percent of the minimum required common open space shall be situated within wetlands. The common open space shall have a shape dimension, character and location suitable to enable its enjoyment and use for conservation, recreation and agriculture purposes by the residents. Further, a permanent conservation restriction of the type described in MGL Chapter 184, Section 31 (including future amendments thereto and corresponding provisions in future laws) running to or enforceable by the Town shall be recorded in respect to the common open space. Such restrictions shall provide that the common open space be retained in perpetuity for one or more of the following uses: conservation, recreation or agriculture. Such restriction shall be in a form and substance as the Planning Board shall prescribe including the management of said conservation restriction by the Town Conservation Commission, Trustees of Reservations, Essex County Greenbelt Association or other agency or body, all as subject to the approval of the Planning Board.

f. Parking: Two off-street parking spaces per dwelling unit.

g. Public Sewer: All projects shall be connected to the public sewer system. The North Andover Department of Public Works shall review all proposed sewerage plans and report as to their adequacy to the Planning Board.

h. Approval: Facilities and/or units proposed to be built as Independent Elderly Housing shall be subject to the following procedures:

1. The applicant shall be required to meet with the Planning Board to discuss the provisions of Section 14 and the referenced section, the elements of the proposed development and the requirements and specific provisions of the preliminary site plan. The applicant shall submit a preliminary site plan to the Planning Board for its review and recommendations.

2. The applicant will be required to submit a Definitive Plan in accordance with the applicable provisions of Section 11.3. The Planning Board may issue a special permit if it determines that all of the applicable requirements for independent elderly housing have been met and the definitive plan is generally consistent with the preliminary site plan.

i. Relationship to Subdivision Regulations: The requirements of the special permit in no way or manner release the applicant from the requirements of the Subdivision Regulations of the North Andover Planning Board.

14.6 Density Bonus

a. Affordable Housing: For all Independent Elderly Housing, the total number of allowable dwelling units may be increased by 25%, if the applicant designates at least 10% of the total number of units for use as affordable elderly housing units. Such units may be rented, sold or otherwise provided to elderly persons qualified to receive federal or state rental assistance or subsidies for reducing mortgage payments in accordance with income and assets limitations established by the authorizing state or federal agency. The applicant may choose to meet affordable housing requirements directly by utilizing similar income and assets standards and establishing rents, sales price of entry fees for units which are determined to be generally consistent with those

established under the various subsidy programs. For this purpose, the Planning Board in consultation with the Housing Authority, may establish the rent, carrying charge, maintenance fee, sales price or entry fee in order to meet the requirements for affordable housing. Such units shall be maintained as affordable housing units for the life of the Independent Elderly Housing development. In the event that the applicant is unable to meet its obligations in the manner prescribed above, or as an alternative program, the Planning Board may allow the applicant to contribute funds, in lieu of housing units, to the Town, Housing Authority or any public or non-profit agency which is authorized to develop or support affordable elderly housing. The rate of contribution shall be two (2) dollars per square foot of Gross Floor Area of all buildings and structures exclusive of underground parking or swimming pools. The granting of this density bonus shall not exempt the applicant from meeting any of the other provisions of this or other referenced sections of this Bylaw."

From definitions on ordinance.com:

2.41.1 INDEPENDENTLY ELDERLY HOUSING A multi-family residential structure each with separate access and restricted to individuals or couples at least 55 years of age or older. This definition shall not be construed to prevent mentally or physically impaired people from living with an occupant or occupants of an independent elderly housing unit.

North Attle *Does zoning include any provisions for housing that is restricted by age?*

Yes The table of uses lists "housing for elderly" which is by right in R-10, R-10S, and by special permit in R-15, R-20, R-40. There is nothing else in the bylaw to describe this housing.

Town of North Attleborough Zoning Bylaw (Adopted 1974, Amended 2001)

North Read *Does zoning include any provisions for housing that is restricted by age?*

No

Northboro *Does zoning include any provisions for housing that is restricted by age?*

Yes Town of Northborough Zoning Bylaw

7-20-110 Senior Residential Community Overlay District
[Amended 4-22-2002 ATM, Art. 46]

SENIOR RESIDENTIAL COMMUNITY - Subject to the provisions of this article and a Special Permit with Site Plan Approval from the Planning Board, a Senior Residential Community (SRC) may be developed and used on any land in any zone for which a Senior Residential Community Overlay District has been approved by a valid amendment to the "Zoning Map - Town of Northborough, Massachusetts."

(1) Objectives ‑ The objectives of the Senior Residential Community are to provide alternative housing for a maturing population; to provide a type of housing which reduces residents' burdens of property maintenance and which reduces demands on municipal services; and to promote flexibility in land use planning in order to improve site layouts, protection of natural features and environmental values and utilization of land in harmony with neighboring properties.

(2) Planning Board Action ‑ A SRC shall require a Special Permit with Site Plan Approval by the Planning Board. The Planning Board shall not grant a Special Permit with Site Plan Approval for a SRC unless it shall, after holding a public hearing in accordance with requirements of Chapter 40A of the General Laws, find that: (i) the SRC complies with the purposes of the SRC bylaw as stated in this section, (ii) the applicant has provided a site plan and impact statement meeting the requirements of 7-20-04(B) Sections 1 and 2. (Those applicable to a "Retirement Community Park"); (iii) the SRC is designed and arranged so that it does not significantly alter the character of the neighborhood; (iv) adequate and appropriate facilities will be provided for the proper operation of the SRC; and (v) the proposed SRC complies with the tract qualifications, density and other dimensional requirements set forth in this article.

(3) Qualifications ‑ The following qualifications shall apply to all Senior Residential Communities:

(a) Tract Qualifications ‑ At the time of granting a Special Permit with Site Plan Approval by the Planning Board, the property under consideration for a SRC shall be located on one or more contiguous parcels, with definite boundaries ascertainable from a recorded deed or recorded plan, having an area of at least 5 acres, and complying with minimum lot size, minimum lot width and minimum lot frontage for the zone.

(b) Age Qualification ‑ A SRC shall constitute housing intended for persons of age fifty‑five or over within the meaning of M.G.L. c. 151B, § 4(6) and 42 USC '§ 3607(b)(2)(c), and in accordance with the same, one hundred percent (100%) of the dwelling units in a Senior Residential Community shall each be owned and occupied by at least one person fifty‑five years of age or older per dwelling unit, and such development shall be operated and maintained in all other respects in compliance with the requirements of said statues and regulations promulgated pursuant thereto. In the event of the death of the qualifying owner/occupant(s) of a unit, or foreclosure or other involuntary transfer of a unit in a SRC, a two‑year exemption shall be allowed for the transfer of the unit to another eligible household.

(c) Applicant Qualifications ‑ The applicant for a Special Permit with Site Plan Approval for a SRC shall be the owner of the tract proposed for such development or be authorized in writing by the owner to apply for and be issued such approval, and shall establish to the satisfaction of the Planning Board that the applicant has knowledge, experience and financial resources sufficient to construct and complete the development.

(4) Dimensional Requirements ‑ Except as otherwise provided in this section 7-20-110, the dwellings within a SRC shall not be required to comply with section 7-16-010 or the schedule of dimensional requirements. In place thereof the following requirements shall apply to all Senior Residential Community Overlay Districts.

(a) Number of Dwelling Units Permitted ‑ The maximum number of dwelling units in a SRC shall be computed based on the following:

(i) For projects for which at least fifty (50%) percent of the units are single family detached dwellings, the number of units shall not exceed 150% of the number which would be permitted under a conventional subdivision of the tract of land for which a Special Permit with Site Plan Approval is sought. For purposes of this calculation the number which would be permitted under a conventional subdivision shall be based upon the ability of the land to be subdivided with each resulting lot satisfying minimum lot area, frontage and all other applicable zoning regulations for the district in which the parcel is located. For purposes of this calculation, the number of resulting lots shall not be reduced by restrictions on building roads or structures arising from the potential effect of G.L. c. 131 § 40 (Wetlands Protection Act) but the actual SRC shall be subject to Section 4(b) below.

(ii) For projects for which at least fifty (50%) percent of the units are contained in two family or multiple family dwellings the number of units shall not exceed four units per acre.

(iii) For purposes of this section, for any lot or parcel which is in two or more zoning districts the applicant may calculate the number of dwellings which could be constructed under a conventional subdivision as if the entire parcel is subject to the minimum lot size and frontage requirements applicable to the least restricted of those zoning districts which permits residential use.

(b) Density and Minimum Open Space:

- At least fifty (50%) of the area of the parcel shall be Open Space;
- No SRC shall contain more total floor area than an amount equal to thirty (30%) percent of the amount of upland (total land less wetland) on the lot;
- The total area of the lot which is covered by buildings shall not exceed twenty-five (25%) percent of the amount of upland on the lot.

(c) Ownership of Open Space ‑ The open space shall be owned in common by the owners of the dwelling units in the SRC, or by an organization or entity made up of, owned or controlled by such dwelling unit owners. If, in the opinion of the Planning Board, the common ownership or unit owner organization is not sufficient to assure compliance with this provision, the Board may make as a condition of the Special Permit with Site Plan Approval that an enforceable restriction shall be recorded on all open space parcels providing that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking, roadway or active recreation.

(d) Perimeter Buffer ‑ A buffer between structures in a SRC and abutting properties is required around the entire SRC perimeter which buffer shall be at least the minimum applicable front yard setback requirement for the zone in which that portion of the property is located.

(e) Maximum Height ‑ No building constructed in a SRC shall exceed 35 feet in height.

(f) Maximum Number of Bedrooms ‑ No dwelling unit constructed in a SRC shall contain more than three bedrooms. All units must have at least one bedroom on the first floor.

(g) Accessory Buildings and Structures ‑ In a SRC, accessory buildings and structures may be permitted, including clubhouse, swimming pool, tennis court, cabanas, storage and maintenance structures, and other customary accessory structures. Accessory buildings and structures shall be shown on the Site Plan. The floor area and lot coverage area of those buildings (but not structures such as tennis courts, which are not also buildings) shall be included in the density and open space calculations set forth above.

(h) Interrelationship of Buildings ‑ The proposed buildings shall be related harmoniously to each other with adequate light, air, circulation, privacy and separation between buildings. Buildings shall comply with a minimum separation of ten (10) feet from each other and all other structures in

the development.

5. Additional Requirements ‑ The following additional requirements shall apply to all Senior Residential Communities:

- (a) Parking ‑ Two parking spaces shall be provided for each dwelling unit (with the exception of one bedroom units, which shall require one parking space per unit), in reasonable proximity to the dwelling, or in garages. Additional parking in proximity to any clubhouse or other facility serving residents in common, or guest parking, shall be provided in off‑street parking areas, provided that no single accessory parking area shall contain more than eight parking spaces, and all such areas shall be adequately landscaped.
- (b) Private Roads ‑ Roads and driveways within a SRC shall meet reasonable width, grades, radius of curvature and construction standards as the Planning Board shall determine, so as to accommodate emergency vehicles including but not limited to police, fire and ambulance, but shall not necessarily need to meet the standards provided in the regulations governing subdivisions, as is deemed necessary to meet site conditions and design requirements. In no circumstances shall the roadway width be less than twenty-four (24) feet from curb to curb. No building permit shall be issued until such time as the developer posts a bond with the Planning Board to guarantee the completion of the roadways in accordance with the Planning Board requirements.
- (c) Other Facilities ‑ All facilities for utility services, drainage, lighting and signage shall be in accordance with requirements established by the Planning Board, consistent with applicable provisions of the Zoning Bylaw and the regulations governing subdivisions, as the same may be waived or modified by the Planning Board to meet site conditions and design requirements.
- (d) Project Maintenance ‑ In every SRC there shall be an organization of the owners of the dwelling units which shall be responsible for the maintenance and repair of internal roads and driveways, snow plowing, landscape maintenance, trash removal, utility services and maintenance and repair of other common elements and facilities serving the residents, and the Town of Northborough shall not be responsible therefor.
- (e) Wastewater Disposal ‑ In every development wastewater disposal shall comply with the regulations of the Northborough Board of Health and Applicable Department of Environmental Protection Regulations.

6. In the event of a violation of law, an unauthorized sale or lease of the approved development site or any dwelling unit therein, development that deviates from the site plan approved or any requirements of this article, any use of the property that is not permitted by this Article in the SRC, the failure to maintain open space or if the applicant or subsequent owners shall otherwise fail or neglect to comply with the conditions and safeguards imposed by this article, the Building Inspector or Zoning Enforcement Officer may deliver a stop order to the person in violation or his agent by certified mail, return receipt requested, and by posting the same in a conspicuous location on said site. The order shall describe the nature of the violation, and the date on which said order shall expire. Failure of the Town to deliver a stop order for any reason shall not prevent the Town from pursuing any other legal remedy permitted under law. Any person who shall violate the provisions of a stop order shall be deemed in violation of the zoning bylaw.

7. Effect of Overlay District - Land in a Senior Residential Community Overlay District may be used in conformity with all zoning applicable to the underlying district(s) until such time as a project granted a Special Permit with Site Plan Approval is actually built and used in conformity with this article.

8. If any section of this by-law is ruled invalid by a court of competent jurisdiction, such ruling will not affect the validity of the remainder of the by-law.

RETIREMENT COMMUNITY PARK — A lot under single ownership containing not less than thirty (30) acres which has been planned and improved for the placement of homes for nontransient use by persons who must be fifty-five (55) years of age or over commencing occupancy, provided, however, that no more than one of the persons occupying any unit may be under fifty-five (55) years of age, exclusive of nurses or other persons licensed to provide health care services to the elderly occupants of said unit. For the purpose of this definition, notwithstanding the definition of mobile home dwelling, a unit shall be a detached residential dwelling unit containing a minimum living area of seven hundred (700) square feet exclusive of enclosed porches, patios and garages and designed for and occupied by one (1) family only. The units shall be placed on a permanent concrete foundation conforming to Massachusetts State Building Code. All units shall be serviced by individual water and sewer connections installed in accordance with town regulations. The minimum dimension of any portion of the living area shall be fourteen (14) feet. Where units are constructed using less than twenty-four (24) feet in the least dimension, the structure shall be placed on the lot with the long dimension approximately parallel to the roadway. It shall not mean a trailer or recreational vehicle will be allowed to be occupied or used as an accessory on any lot in this park. [Amended 5-16-1994 ATM, Art. 18]

RESIDENTIAL DISTRICTS: RA, RB, RC, GR [Amended 4-22-1996 ATM, Art. 8]

Uses Allowed as an Exception Under Special Permit by the Zoning Board of Appeals:

- In GR and RC districts only, retirement community park

7-20-040 Site Plan Approval

B. Retirement community park. [Amended 5-16-1994 ATM, Art. 19]

(1) A site plan approval is a prerequisite for a special permit by the Planning Board for the establishment of a retirement community park. The site plan shall be prepared by a registered architect, landscape architect or civil engineer, at a scale of one (1) inch equals forty (40) feet. This site plan must show the total number of acres, a tabulation of overall density per gross acre, existing and proposed contours at an interval of two (2) feet, existing and proposed roads, adjacent development, existing and proposed buildings, existing and proposed off-street parking, proposed layout of storm and sanitary sewer systems, watercourses, trees, other natural features, recreation area(s) and such other matters reasonably requested by the Planning Board.

(2) The plan must be accompanied by an impact statement which details the probable effects of that development on the following aspects of concern to the town:

- (a) Increases in vehicular traffic.
- (b) Change in the number of legal residents.
- (c) Provision of housing for town residents and for persons of low and moderate income.
- (d) Increases in municipal service costs.
- (e) Load on public utilities or future demand for them.
- (f) Time schedule for consumption.
- (g) Changes in tax revenue.
- (h) Changes in surface drainage.
- (i) Increased consumption of groundwater.
- (j) Increased refuse disposal.
- (k) Pollution of water or air.
- (l) Land erosion or loss of tree cover.
- (m) Harmony with the character of surrounding development.

(3) Each such retirement community park shall meet the following standards:

- (a) Each home space shall be limited to one (1) home, and such home shall not be more than one (1) story in height.
- (b) All home spaces will abut upon a paved roadway of not less than twenty-four (24) feet in width.
- (c) Two (2) parking spaces are to be provided on each home space. Each parking space will be an area of not less than ten (10) feet wide and twenty (20) feet long and hard-surfaced, together with a hard-surfaced driveway connecting such parking space with the roadway. The parking spaces may be connected.
- (d) Each home will have a water connection, a sanitary sewerage connection meeting requirements of the Board of Health and an electrical outlet and be connected to municipal water and sewerage.
- (e) No home site will be located closer than two hundred (200) feet to any public highway, and such sites shall be reasonably screened therefrom. The remaining perimeter of the home park shall be screened for a minimum width of twenty (20) feet with natural growth, hedges or fences, as appropriate. No home lot will be included in the screening area. Utilities will be installed underground. Transformer boxes, substations, pumping stations and meters will be located and designated so as not to be unsightly or hazardous to the public.
- (f) No commercial activity, sign or interval access road not intended exclusively for the use of home park residents or guests will be closer than one hundred (100) feet to any home space.
- (g) All roadways will be paved and adequately drained and lighted. All entrances from public ways will have a width of forty (40) feet to a depth of two hundred (200) feet.
- (h) Active and passive recreational facilities shall be provided in relationship to the number of units.
- (i) Compliance with the approved site plan.

(4) Proof of age must be submitted by each occupant to the Building Inspector prior to the issuance of an occupancy permit. Any change in ownership or tenancy shall be done in writing and provided to the Building Inspector, along with proof of age of the new occupant(s). [Amended 5-22-1991 ATM, Art.

Northbridg*Does zoning include any provisions for housing that is restricted by age?***Yes**

Town of Northbridge Zoning Bylaw Chapter 173 (Amended 2002)

ARTICLE XVII Senior Living Bylaw [Added 4-3-2001 STM, Art. 5] § 173-110. Purpose. The purpose of the Senior Living Bylaw is to encourage residential development that provides alternative housing choices for people that are fifty-five (55) years of age or older. For the purposes of this bylaw, housing units are intended for occupancy by persons fifty-five or over within the meaning of MGL, c.151B, § 4.6. and shall comply with the provisions set forth in 42 USC 3601 et seq. This bylaw is also intended to promote affordable housing, efficient use of land and public infrastructure, and to preserve open space.

§ 173-111. Applicability. In order to be eligible for a special permit for a Senior Living development, the property under consideration must be a parcel or set of contiguous parcels held in common ownership and located entirely within the R-1, R-2, R-3, R-4, or R-5 zoning districts as set forth on the Zoning Map. In a Senior Living development, the underlying uses outlined in the Table of Use Regulations (§ 173-12) shall no longer be permissible. § 173-112. General requirements. An application for a Senior Living development special permit must conform to the following standards:

A. Occupancy of dwelling units shall be limited to persons fifty-five (55) years of age or older.

B. The minimum tract size shall be 10 acres.

C. The property under consideration must be located within five thousand (5,000) feet of a village center. Village centers are defined as follows: in Rockdale, the intersection of Providence Road and Sutton Street; in Whitinsville, the intersection of Main Street and Hill Street, or the intersection of Church Street and Providence Road; and, in Linwood, the intersection of School Park and Providence Road. D. All dwelling units must be served with public water service and be connected to the public sewerage system. ...

E. A minimum of 30% of the parcel shown on the development plan shall be contiguous open space, excluding required yards and buffer areas. Not more than 25% of the open space shall be wetlands, as defined pursuant to MGL c. 131, § 40. The open space shall be subject to the conditions set forth in § 173-86, Open Space Requirements (for flexible developments) provided that the term "senior living development" shall be substituted for the term "flexible development" in said conditions.

F. A minimum of 10% of the total units shall be affordable in perpetuity. Affordable units are defined as (a) dwelling units that are available for sale and sold at a selling price that will result in an Annual Shelter Cost (rent or mortgage, heat, cooking fuel and electricity) of not more than 30% of the Annual Household Income of a Qualified Affordable Housing Unit Purchaser or (b) available parental and rented at an annual rent that will result in an Annual Shelter Cost of not more than 30% of the Annual Household Income of a Qualified Affordable Housing Unit Tenant. Affordable units shall be dispersed throughout the development and shall be indistinguishable from market rate units. The Northbridge Housing Authority shall be responsible for choosing purchasers or tenants, and monitoring and insuring the long-term affordability of the units.

G. The maximum number of permitted housing units within all permitted Senior Living developments in the Town of Northbridge shall be limited to a number equivalent to ten percent (10%) of all existing residential units (excluding Senior Living development units) located in the Town of Northbridge. The Board of Assessors shall establish the number of residential housing units as of January 1 of each calendar year.

H. No single structure shall contain more than 4 dwelling units.

I. The total number of dwelling units in a Senior Living development shall not exceed 4 units per acre of buildable land unless a density bonus is granted under the following section. Buildable acreage shall be calculated by a registered land surveyor or civil engineer and shall not include any of the following: (1) Land within a floodway or floodplain district as defined under § 173-18; (2) Fresh water wetlands as defined by MGL c. 131, § 40; (3) Land having slopes greater than 20%; (4) Land subject to a conservation restriction which prohibits development; (5) Land subject to any local or state law or regulation, rights of way, public or other restriction, which prohibits development.

J. The Planning Board may grant density bonuses under the following provisions, provided however, that at no time shall there be more than 6 units per buildable acre of land: (1) Affordability: For each affordable housing unit provided above the minimum required 10%, one additional housing unit may be permitted. (2) Open Space: For each acre of preserved open space in addition to the minimum required, two additional housing units may be permitted.

K. The Planning Board may allow additional structures to provide visiting and welcoming areas, recreational facilities, community office space or for other accessory uses that are compatible with senior living development.

L. Public bikeways, pedestrian walkways or walking trails may be required by the Planning Board to provide circulation or access to schools, playgrounds, parks, shopping, transportation, open space and/or community facilities for such other purposes as the Board may determine to be appropriate to serve the needs of the development.

§ 173-113. Dimensional requirements. A. Lot Area - Individual residential lots shall have a minimum lot area of ten thousand (10,000) square feet.

B. Lot Frontage - Individual lots within a Senior Living development shall have a minimum of one hundred feet (100') of frontage on a public way.

C. Setback Requirements - All structures shall be located no less than twenty-five feet (25') from the front lot line and fifteen feet (15') from the side and rear lot lines.

D. Building Separation - Distance between structures shall not be less than thirty-five feet (35').

E. Buffer Areas - All dwellings and structures shall be located a minimum of fifty feet (50') from adjacent properties. Buffer Areas shall be retained in their natural vegetative state to the maximum extent feasible, except where adjacent to property used for agricultural purposes.

F. Building Height...

G. Parking

§ 173-114. Procedures. The Planning Board shall be the granting authority for Senior Living development special permits. A. Pre-Application. Applicants are required to present a conceptual development plan prepared by a registered landscape architect at a regularly scheduled Planning Board meeting. The plan shall include a detailed analysis of site topography, wetlands, unique land features, and soil types. The purpose of this requirement is to help applicants and officials develop a better understanding of the property and to help establish an overall design approach that respects the intent of this

bylaw, which is to provide alternative housing choices, protect open space, and promote efficient use of the land and infrastructure. B. Application. Applicants are required to submit a special permit application and development plan, conforming to the requirements of this bylaw, to the Planning Board for approval under the provisions of § 173-47. The development plan shall include a site plan under § 173-49.1. (1) If the development plan shows a subdivision of land as defined under MGL, c. 41, § 81L, the applicant is required to also submit a preliminary subdivision plan and application under the applicable Planning Board Subdivision Rules and Regulations at the time of application for a Senior Living development, and must obtain approval of the preliminary subdivision plan prior to submitting a definitive plan and application. C. The Planning Board may grant a Special Permit for a Senior Living development if the Board determines that all the requirements under the bylaw have been met and that the benefits of the proposal outweighs the detriments to the neighborhood or town. D. The Planning Board may impose such additional conditions as it finds reasonably appropriate to safeguard existing neighborhoods or otherwise serve the purposes of this bylaw.

Norton *Does zoning include any provisions for housing that is restricted by age?*

Yes Town of Norton Zoning Bylaw, 2004

According to the "Use Regulations Table", "Housing for the Elderly" is allowed by special permit in districts R-80, R-60, R-40, VC and C. No further information is provided within the bylaws.

Charles Gabriel, Town Planner, (12/14/2004) said that "Housing for the Elderly" is for 55+ seniors.

Norwell *Does zoning include any provisions for housing that is restricted by age?*

Yes From ordinance.com:

4700. VILLAGE OVERLAY DISTRICT.

(Voted ATM 5/25/1999)

4710. PURPOSE:

The purpose of the Village Overlay District (VOD) is to:

- a. Provide dwelling units for occupancy by individuals fifty-five (55) years of age or older; and
- b. Provide for mixed and diverse varieties of housing, including affordable housing; and
- c. Provide for residential development in a manner that conserves environmental features, woodlands, wet areas, open space, areas of scenic beauty, views and vistas.

4720. APPLICABILITY.

The VOD shall be construed as an overlay district. All requirements of the underlying zoning district(s) shall remain in full force and effect, except where the requirements of the VOD are more restrictive or provide for uses or structures not otherwise available in the underlying district; in such cases, the requirements of the VOD may supersede the underlying zoning regulations upon the issuance of a Special Permit from the Planning Board.

4730. The VOD shall include all land designated by a two-thirds (2/3) vote of Town Meeting as within the district, all pursuant to M. G. L. c 40A, s.5.

4740. DEFINITIONS.

(a) APPLICANT - The person or persons, including a corporation or other legal entity, who applies for issuance of a Special Permit for construction of a Village Residential Development (VRD) hereunder. The Applicant must own, or be the beneficial owner of, all the land included in the proposed VRD, or have authority from the owner(s) to act for him or hold an option or contract duly executed by the owners(s) and the Applicant giving the latter the right to acquire the land to be included in the site.

(b) BEDROOM - A separate room in a dwelling unit intended for, or which customarily could be used for, sleeping.

(c) BUFFER - An area within a VRD adjacent to its boundaries, streams and ponds, which may not be cleared, cut, developed or otherwise disturbed except as provided herein.

(d) DEVELOPMENT SCHEDULE - A schedule showing the order and timing of construction and the sequence of the improvements to be built or furnished in the VRD site, separated into stages where applicable.

(e) REGULATIONS - The rules and regulations of the Planning Board.

(f) UPLAND - All land not defined as wet areas.

(g) VILLAGE RESIDENCE DEVELOPMENT (VRD) -- A combination of single-family dwellings and permissible accessory uses authorized by Special Permit from the Planning Board as set forth herein.

(h) WET AREAS - All land, other than wetland buffer zones, subject to the provisions of Massachusetts Wetland Protection Act, M.G.L. c. 131, s. 40 and 40A and the Town of Norwell Wetlands Bylaw, Article XVI-a.

4750. USE RESTRICTIONS.

A VRD, consisting of the uses set forth below, individually or in combination, may be authorized by a Special Permit issued by the Planning Board pursuant to this Section and in compliance with the standards set forth herein.

(a) Attached or detached dwelling units owned and occupied by persons aged fifty-five (55) and over, provided, however, that one spouse may be under age fifty-five (55).

(b) Structures and uses accessory to the use set forth above, including: community buildings serving the residents of the VRD; recreational facilities; underground utilities located on a lot not serving the dwelling units; roadways.

4760. APPLICATION.

An application for a Special Permit for construction of a VRD within the VOD shall be submitted to the Planning Board on forms furnished by the Planning Board, accompanied by: (a) the filing fee determined in accordance with the Planning Board's Rules and Regulations; (b) the following information and data; and (c) a development plan as described below:

a) All of the information required for site plan approval pursuant to Section 1520 herein:

b) The name(s) and address(es) of the Applicant and all legal and beneficial owners of the site; copies of all instruments, options, contracts or encumbrances affecting ownership of the development site; and an instrument executed by all persons owning property within the site consenting to the development of the subject property, as applied for.

c) A proposed development schedule showing the beginning of construction, the rate of construction and development, including stages, if applicable and the estimated date of completion.

d) A narrative report prepared by qualified professionals, detailing the impact of the development on the Town's capacity to furnish services including, but not limited to, roads, water and sanitation.

e) Information regarding the number and kind of dwelling units and other structures proposed, their design, their location, the number of bedrooms planned, the sale prices and fees anticipated and population projections pertaining thereto.

f) Areas to be set aside for building structures, parking areas and conservation and recreation easements.

g) Information regarding the number and kind of dwelling units and other structures proposed, their design, their location, the number of bedrooms planned, the sale price and fees anticipated and population projections pertaining thereto.

h) Copies of all proposed deed restrictions to assure resale at affordable prices and the right of first refusal in favor of the Town for dwelling units to be sold at affordable prices, if applicable.

i) Any and all other information that the Planning Board may reasonably require in a form acceptable to it to assist in determining whether the applicant's, proposed development plan meets the objectives of this Section.

4770. STANDARDS.

In order to be eligible for consideration for a Special Permit to construct a VRD pursuant to Section 4700, a proposed VRD shall meet all of the following standards:

a) Qualifying Area. The VRD site shall be located within the VOD and shall contain at least 40 contiguous upland acres, including at least one acre of upland for each dwelling unit proposed.

b) Open Space Requirement. At least fifty percent (50%) of all upland contained within the VRD site shall be open space, which shall be left in its

natural vegetated state.

c) Buffer. A buffer area of one hundred seventy-five (175) feet shall be provided at the perimeter of the VRD site where it abuts residentially zoned or occupied properties sufficient to substantially limit the visibility of the VRD from outside its perimeter; provided, however, the buffer may be reduced to not less than fifty (50) feet upon a finding by the Planning Board that suitable screening can be provided. No vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance and provided, however, that structures or buildings may be located within the buffer area upon approval of the Planning Board with the issuance of a Special Permit. Undergrowth planting may be added.

d) Roadways and Paths. Where intended for dedication and acceptance by the Town of Norwell, the principal roadway(s) serving the site shall be designed to conform with the standards of the Planning Board's Subdivision Regulations and any other standards of the Town of Norwell. Private ways shall be adequate for intended vehicular and pedestrian traffic and shall be maintained by an association of unit owners or by the applicant. Paths for the use of residents shall be attractively designed with proper regard for convenience, separation of vehicular, bicycle and pedestrian traffic, and access to the amenities and facilities on the site and to paths on adjacent sites.

e) Parking. The applicant shall provide adequate parking to serve all anticipated uses on the property, with information detailing the method of computation of parking spaces.

f) Surface Drainage. The surface drainage system shall be designed in accordance with the subdivision Regulations of the Planning Board, the Rules and Regulations of the Permanent Drainage Study Committee and the DEP's Stormwater Management Policy and Design Guidelines as amended.

g) Utilities. All electric, gas, telephone, and water distribution lines shall be placed underground.

h) Dwelling Unit. The development of one or more dwelling units on a lot or lots shall be permitted in an application to construct a VRD. Dwelling Units may be situated on any common or individual lot consistent with the overall design objectives of the VOD; provided, however, that such dwelling units shall comply with the provisions of the State Sanitary Code, 310 CMR 15.00, any other applicable State Regulations, and with the rules of the Norwell Board of Health.

4780. REVIEW FEES.

The Planning Board may engage, at the expense of the applicant, professional, technical and/or legal consultants to review an application for a Special Permit within the VOD and to evaluate compliance with the Special Permit.

4790. AFFORDABLE UNITS.

The applicant is encouraged to provide dwelling units at prices affordable to persons or families of low or moderate income. Such affordable dwelling units shall be integrated into the overall development so as to prevent the physical segregation of such units and shall otherwise be indistinguishable in all respects, including but not limited to materials, size and design, from comparable market price units.

4800.DECISION.

The planning Board by affirmative vote of 4/5 of its members present and voting, may grant a Special Permit for a VRD upon finding that the proposed VRD complies with the requirements of this section. The Planning Board shall not grant a Special Permit unless it determines that all criteria set forth in Section 1420 herein are satisfied. The Special Permit may be granted with such reasonable conditions, regulations, or limitations as the Planning Board may deem necessary to serve the purposes of the Bylaw.

4810. EXPIRATION.

Special Permits shall lapse in accordance with Section 1450 herein.

4820. PUBLIC HEARING.

Special Permits shall only be issued following Public Hearings held in accordance with Section 1430 herein.

4830. MODIFICATIONS.

No structure created within the VRD shall be externally enlarged by more than two hundred (200) square feet and no use changed or expended in the ground except upon approval of the Planning Board and subject to the provisions of Section 4740 through Section 4820.

Norwood

Does zoning include any provisions for housing that is restricted by age?

No

Paxton Zoning Bylaw (Amended 2003)

SECTION 9. SENIOR RESIDENTIAL DEVELOPMENT

9.1 Purpose

The purposes of Senior Residential Development (SRD) are:

1. To provide housing for a maturing population that reduces maintenance costs and is more affordable than traditional single family dwellings.
2. To provide a type of housing development that has a reduced demand on municipal and educational services.
3. To promote development in harmony with the Town's public water supplies, natural resources, and traditional landscapes and the existing and probable future use of adjacent land.
4. To promote the general intent of the Zoning Bylaw and establish flexible residential development standards and procedures that will support these objectives.

9.2 Establishment of Overlay District

The Senior Residential Development Overlay District is herein established as an overlay district and shall be superimposed on other districts established by this Bylaw. All regulations applicable to such underlying districts shall remain in effect. A Senior Residential Development is permitted only in a Senior Residential Development Overlay District upon the grant of a special permit by the Planning Board. The Senior Residential Development Overlay District is shown on a map entitled "Paxton Overlay Districts", which is on file with the Town Clerk.

9.3 SRD Standards

9.3.1 Restrictions: Each SRD applicant shall submit to the Planning Board private deed restrictions that will ensure each dwelling unit is used as a residence only for a person or persons one of whom shall be 62 years of age or older. All additional residents shall be 55 years of age or older. The Building Commissioner may grant an exemption from such age restrictions for a live-in caregiver upon demonstration of a disability by one of the qualified residents that requires the assistance of an individual to provide live-in care.

9.3.2 Density Standards

1. The SRD shall be located on a parcel having at least ten (10) acres and two hundred (200) feet of frontage.
2. There shall be a minimum of twenty thousand (20,000) square feet per dwelling unit, and dwelling units shall be at least fifty (50) feet from a lot in residential use. The Planning Board may require a greater land area per dwelling unit if difficult soil conditions or other development constraints warrant a lower overall density.
3. Buildings shall be located in a close proximity to facilitate pedestrian access and to preserve open space. No more than fifty (50) percent of the tract shall consist of buildings, parking areas or other impervious surfaces.
4. Roads and driveways shall remain private ways and shall comply with the Planning Board's Rules and Regulations Governing the Subdivision of Land.
5. SRD communities may have accessory uses for the use and convenience of residents and staff, such as snack bars, gift shops, laundry services and banking facilities. No accessory use other than a restaurant shall occupy more than one thousand (1,000) square feet of floor area. Structures for the use of residents and their guests may be permitted, including clubhouses, swimming pools, tennis courts, cabanas and storage and maintenance structures.

9.3.3 Requirements for Affordable Units

1. A minimum of twenty percent (20%) of the total units shall be affordable. A deed restriction in favor of the Town will be imposed on the affordable units which restriction shall be in perpetuity pursuant to Massachusetts General Laws Chapter 184, Sections 31-33. Affordable units shall be dispersed throughout the SRD and shall be indistinguishable from market rate units. Ownership units shall have use restrictions in favor of the Town recorded at the Worcester Registry of Deeds at the time of initial sale that limit the future sale of the units to households earning no more than eighty percent (80%) of the area median income (AMI).
2. Affordable units are those units affordable to households whose incomes do not exceed eighty percent (80%) of the AMI for the Worcester Metropolitan Statistical Area based on household size as determined by the U.S. Department of Housing and Urban Development (HUD). For rental units, monthly rents payable by a household exclusive of utilities shall not exceed 30% of the monthly income based on household size. For ownership units, initial purchase prices and resale prices shall be established so that households are not required to spend more than 30% of the income for annual debt service on a mortgage (at 30-year fixed-interest rates at the time of initial sale), taxes, insurance, and condominium or homeowners fees with no more than a five percent (5%) down payment, including any required entrance deposit.

9.3.4 Building and Dwelling Unit Requirements:

1. Dwelling units in an SRD may be attached or detached, or a combination of these types.
2. No building shall contain more than four (4) dwelling units.
3. No dwelling unit shall contain more than two (2) bedrooms.

9.3.5 Common Land: In an SRD, at least thirty (30%) percent of the total tract area shall be set aside as Common Land for the use of the SRD residents or the general public. The following additional requirements shall apply:

1. At least fifty percent (50%) of the Common Land shall not contain wetlands, as defined in M.G.L. c. 131 §40, or 100-year floodplains.
2. Common Land shall be planned as large, contiguous parcels whenever possible. Strips or narrow parcels of Common Land shall be permitted only when necessary for access, or if the Planning Board finds that a vegetated buffer strip along the site's perimeter is appropriate and consistent with the purpose of the SRD.
3. The Common Land shall include adequate access from a way or street at least forty (40) feet wide.
4. The Common Land shall be dedicated and used for conservation, recreation, park purposes, outdoor education, agriculture, horticulture or forestry, or any combination of such uses. No other uses shall be allowed in the Common Land except as follows:
 - a.) A portion of the Common Land may be used for construction of leaching areas associated with septic disposal systems serving the SRD.
 - b.) A portion of the Common Land may be used for walkways, bicycle paths and emergency access or egress to the SRD, if the Planning Board

determines that such use will enhance the specific purpose of the SRD and promote better overall site planning, and if the Planning Board finds that adequate assurances and covenants exist to ensure proper maintenance of such facilities by the owner of the Common Land.

c.) A portion of the Common Land may be used for utility and drainage facilities serving the SRD, and may be subject to easements for the maintenance and repair of such facilities.

5. The Common Land shall remain unbuilt upon, provided that a maximum of five (5%) percent of such land may be subject to pavement and structures accessory to the dedicated use or uses of the Common Land.

6. The proposed use of the Common Land shall be specified on a land use plan and . . . appropriate dedications and restrictions shall be a part .of the deed of the Common Land:

7. The Planning Board shall have authority to approve or disapprove particular uses proposed for the Common Land in order to enhance the specific purposes of the SRD.

9.3.6 Maintenance: In every SRD there shall be a management organization or association of all owners of the dwelling units that shall be responsible for the maintenance and repair of common elements and facilities owned by and serving the residents, and the Town of Paxton shall not be responsible therefore.

9.3.7 Handicapped Accessibility: The Planning Board may require that not less than five (5%) percent of the units, but at least one unit, and the common facilities of the SRD, be handicapped accessible. Such units and facilities shall be in full compliance with standards established by the Massachusetts Architectural Access Board. In addition, all other units shall be constructed in a manner that will allow such units to be made handicapped accessible in the future if the need arises.

9.4 Special Permit Application And Procedure

9.4.1 General: Each application for an SRD shall comply with the requirements for definitive plans in the Planning Board's Subdivision Rules and Regulations. The following additional information shall be submitted:

1. Existing and proposed topography, proposed structures, drives, parking, landscaping and screening, utilities, drainage, and location of common land.
2. Architectural plans and renderings, including elevations and perspective views of typical buildings.
3. Documents listing or indicating the proposed number of dwelling units, distinguishing units by number of bedrooms and any special occupancies (affordable, handicapped, etc.), form of tenure and any subsidies anticipated, methods of water supply and sewage disposal, time schedule for construction of units and improvements, and other improvements proposed at the developer's expense.
4. Documents indicating how the management organization or homeowners association will control the aesthetics and operation of the project. Draft documents shall be provided for:
 - a) The conveyance of the Common Land if it is to be given to the Town, or permanent restriction if it is not to be conveyed to the Town;
 - b) A Management Organization or Homeowners Association Maintenance Agreement;
 - c) A Common Facilities Maintenance and Improvement Agreement detailing the ownership and maintenance of the common land and facilities; and
 - d) Manner in which the Management Organization or Homeowners Association shall certify to the Town when any unit is sold or rented that the provisions of §9.3.1 and 9.3.3.2 will be met.
5. Filing and review fees as required by the Planning Board.
6. A community impact assessment that identifies impacts of the project on: the public water system; fire, police, and ambulance services; neighborhood drainage and the public stormwater system; and traffic generation and vehicle access onto adjacent streets. The Planning Board may require the applicant to mitigate potential impacts of the SRD on Town services and facilities.
 - a) Method of solid waste disposal, road maintenance, street lighting, and postal service.

9.4.2 Procedures: Special permit procedures shall be in accordance with MGL Chapter 40A, §9.

9.4.3 Security. Before the start of construction, the developer shall submit a bond, deposit of money, or negotiable securities, in an amount determined by the Planning Board, to secure performance of the construction of ways and streets, utilities, drainage and landscape improvements shown on the plan. The choice regarding the type of security shall be the Planning Board's. The security shall be in accordance with the provisions of the Planning Board's Rules and Regulations Governing the Subdivision of Land.

****Webmasters Note:** The previous section, Section 9, has been amended as per an update approved at a town meeting held on 6/24/03.

Peabody *Does zoning include any provisions for housing that is restricted by age?*

Yes City of Peabody Zoning Ordinance, Section 2 (Adopted 1978, Amended 2004)

Continuing care retirement community (CCRC): A development comprised of housing and other associated services operated or sponsored as a coordinated unit by a corporation or organization having as its principal purpose the provision of housing and associated services, including those designed to provide for medical care and assistance with activities of daily living, for elderly persons. The CCRC shall consist of a building or group of buildings, which, through common management or contractual agreement provides services that assist the elderly in maintaining an independent lifestyle and meeting the needs resulting from the aging process. Such services may include health care maintenance, home health care, security, maintenance, emergency call systems, assistance with activities of daily living, and personal services such as transportation, financial services, barber/beautician, retail, food services, housekeeping, laundry services, exercise/recreation, continuing education and training, administrative offices, and any other services, activities and accessory uses incidental to the operation and maintenance of the CCRC. Such services shall be ancillary to residential use, and shall be intended primarily for the residents and employees of the CCRC. (Ord. of 3-19-98, § 1)

4.8 CONTINUING CARE RETIREMENT COMMUNITIES/REQUIREMENTS

4.8.1 Scope.

Notwithstanding any other provision of this ordinance, the following provisions of this section 4.8 shall apply to all CCRCs and shall supersede any requirements of this ordinance which are inconsistent with them so that in the event of contradictory provisions within this ordinance concerning CCRCs, the provisions of this section 4.8 shall be deemed to govern.

(Ord. of 3-19-98, § 3)

4.8.2 Multiple lots.

In the event a CCRC is located on multiple lots which are contiguous to one another, the provisions of this Section 4.8 shall apply to the CCRC as if such multiple lots were a single lot for all purposes of this Ordinance (so that, for example, any setback, yard depth or frontage requirement shall not apply with respect to lot lines between contiguous lots).

(Ord. of 3-19-98, § 3)

4.8.3 Requirements.

(a) The minimum lot area shall be twenty-five (25) acres. The definition of lot set forth in Section 2.1 of this Ordinance shall apply to a CCRC provided, however, that a lot in a CCRC may be divided by a roadway or street and may include the limits of a private way.”

(b) The maximum density shall be fifteen (15) independent living units per acre on average, and the calculation of maximum density shall not include any assisted living units, nursing home units or medical beds or any other uses that may be contained within the CCRC.

(c) The maximum height of any building within the CCRC shall be eighty-five (85) feet.

(d) No structure within the CCRC shall be nearer than fifty (50) feet to any lot line.

(e) No parking area or vehicular circulation space shall be nearer than twenty (20) feet to any lot line.

(f) The building permit plan required by section 7.2.3. shall include the information required of a site plan pursuant to subsections 4.4.2 (a) through (l) of this ordinance.

(g) The parking space requirement for the CCRC shall be one (1) parking space for each independent living unit contained therein. No other parking spaces shall be required as a result of other uses permitted in a CCRC.

(h) Independent living units shall include private cooking and bathroom facilities.

(i) Assisted living units shall include private bathroom facilities and common dining facility service shall be available to their occupants.

(j) At completion, the CCRC shall provide a minimum of fifty (50) square feet of interior space per independent living unit for health/fitness, social activities of the residents, and personal service facilities for the residents. Corridors and other circulation space in buildings comprised of independent living units shall not be included in this calculation. Prior to the completion of the full development of the CCRC, the minimum amount of such interior space shall be thirty-five (35) square feet.

(k) The CCRC shall provide for its residents a comprehensive system of outdoor recreational facilities such as gardens, seating areas, path networks, and game areas.

(Ord. of 3-19-98, § 3)

From definitions in ordinance.com, under the Peabody zoning ordinance:

CONTINUING CARE RETIREMENT COMMUNITY (CCRC) : A development comprised of housing and other associated services operated or sponsored as a coordinated unit by a corporation or organization having as its principal purpose the provision of housing and associated services, including those designed to provide for medical care and assistance with activities of daily living, for elderly persons. The CCRC shall consist of a building or group of buildings, which, through common management or contractual agreement provides services that assist the elderly in maintaining an independent lifestyle and meeting the needs resulting from the aging process.

Such services may include health care maintenance, home health care, security, maintenance, emergency call systems, assistance with activities of daily living, and personal services such as transportation, financial services, barber/beautician, retail, food services, housekeeping, laundry services, exercise /recreation, continuing education and training, administrative offices, and any other services, activities and accessory uses incidental to the operation and maintenance of the CCRC. Such services shall be ancillary to residential use, and shall be intended primarily for the residents and employees of the CCRC. (Ord. of 3-19-98, § 1)

From ordinance.com:

4.4.6 Public housing/elderly persons/requirements.

(a) There shall be a minimum lot area of twenty-five thousand (25,000) square feet for each public housing site for elderly persons.

(b) The minimum area of land required per dwelling unit in each of the zoning districts in which a special permit may be granted shall be seven hundred fifty (750) square feet per bedroom for a building of two (2) stories or less and shall be five hundred (500) square feet per bedroom for a building in excess of two (2) stories.

(c) There shall be provided a street frontage, in fee or by perpetual easement, which shall provide sufficient and proper access to and egress from the site for residents and guests and maintenance and emergency vehicles. The minimum width of said access to and egress from the site shall be seventy-five (75) feet.

(d) Maximum lot coverage by buildings two (2) stories in height shall not exceed thirty-five (35) percent of the total land area. Maximum lot coverage by buildings in excess of two (2) stories shall not exceed thirty-five (35) percent of the total land area.

(e) Not less than twenty-five (25) percent of the land area in a single development of buildings two (2) stories or less in height shall be free from structures, streets, parking areas, driveways, walkways, or other constructed approach or service areas and shall be attractively landscaped and maintained. Not less than thirty (30) percent of the land area in a single development of buildings in excess of two (2) stories shall be free from structures, streets, parking areas, driveways, walkways or other constructed approach or service areas and shall be attractively landscaped and maintained. The landscape requirements of section 6.5.5 (b) shall govern projects approved under this section. (Ord. of 5-29-97, § 3)

(f) The minimum setback line applicable to public housing for the elderly shall be the average of the setback line of the structures abutting a housing for the elderly facility, on both sides. Where such references are not available, the setback line shall be the same as that required for single-family dwellings in each of the districts in which housing may be permitted, with the setback line in business districts to be the same as that required in a residence R-3 district.

(g) The minimum sideyard requirements shall be twenty-five (25) feet, and the sum of two (2) sides shall be at least fifty (50) feet, in all of the permitted districts, but in no event shall any structure be closer than twenty-five (25) feet from any other structure.

(h) No structures shall be located closer than twenty (20) feet to any rear lot line.

(i) Parking spaces shall be provided on the premises on the basis of one (1) space per dwelling unit. No parking space shall be located within the required setback distance from a public or private way or from the side and rear lot lines. Where a parking area is adjacent to an abutting district, such parking areas shall be adequately screened from view by fencing or appropriate landscaping materials.

(j) The maximum height in a public housing for the elderly project shall be that which the city council determines will blend harmoniously with the structures in the surrounding neighborhood, but in no event shall the city council require that a structure be less than three (3) stories in height.

(k) The site plan and the architecture shall blend harmoniously with surrounding dwellings and the topography and both shall be subject to approval by the special permit granting authority after recommendation of the planning board.

Pembroke *Does zoning include any provisions for housing that is restricted by age?*

No

Pepperell *Does zoning include any provisions for housing that is restricted by age?*

No

Plainville *Does zoning include any provisions for housing that is restricted by age?*

Yes Researcher found no mention of multifamily restricted by age in the bylaws. Building Inspector, John Emidy, confirmed that there is no multifamily restricted by age. (11/3/04)

Researcher in May 2005 located the following provisions on ordinance.com that appear to have been adopted in June 2004:

2.15 Senior Village Overlay District

A. Purpose A Senior Housing Development (SHD), as approved by the Special Permit Granting Authority (Planning Board), is intended to provide a type of housing which reduces residents' burdens of property maintenance and which reduces demands on municipal services; to promote flexibility in land use planning in order to improve site layouts; to protect natural features and environmental values of land; and to utilize land in harmony with neighboring properties; encourage creative and innovative site planning and design in order to enhance the attractiveness and suitability of smaller homes as a preferred alternative housing type in order to better meet the specific housing needs of this segment of the population and, to promote better utilization of land in harmony with its natural features and to retain the rural character of the Town.

Where feasible, new homes shall be organized around traditional village streets. The dwelling units shall be of high quality construction with care being taken in landscaping efforts to retain as much as possible the natural topography of the village environs. To enhance the village concept, the developer should be encouraged to employ historic, traditional and complimentary style, colors, and exterior lighting for all the units as well as street lighting.

B. General Standards No special permit shall be issued for a SHD use unless the standards set forth below are satisfied and, in addition no such special permit shall be issued unless all of the criteria for issuance of a special permit as set forth under this Zoning By-Law and under Massachusetts General Law 40A have been satisfied.

(1) Minimum Tract Size: A tract of land consisting of not less than ten (10) acres, within residential zoning districts may be developed for the construction of a Senior Housing Development (SHD) Bylaw.

(2) Location: The SHD is an overlay zoning district that shall be superimposed on the Single-Family Residential Districts RA & RB, and the General Residential Districts RC & RD of the Town of Plainville.

(3) Development under the SHD Bylaw may only be authorized by a Special Permit granted by the Planning Board.

(4) No building in the SHD shall be more than two (2) stories in height.

(5) All dwelling units shall be detached from others or attached only along sidewalls in the so-called "townhouse" style.

(6) No unit in the development shall have more than two (2) bedrooms.

(7) No dwelling shall contain less than one thousand (1,000) sq ft of living area or more than two thousand four hundred (2,400) sq ft of living area. At least 66% of the living area in each unit shall be located on the first floor.

(8) The lot or lots on which a retirement community is located shall contain at least five thousand sq ft per unit in the SHD.

(9) Maximum Density Ratio: The maximum density ratio in the SHD shall be no greater than four (4) residential units per acre of useable land.

(10) Occupancy Qualifications: All SHD dwelling units shall be subject to an age restriction described in a deed, deed rider, restrictive covenant, or other document approved by the Planning Board that shall be recorded at the Registry of Deeds or Land Court. The age restriction shall limit dwelling units to at least one senior, age fifty-five (55) years of age or older. Provide for time-limited guest visitation rights in the range of not more than one (1) month per year. The restriction, if the Planning Board so approves and specifies in its Special Permit, may authorize special exceptions that allow persons of all ages to live in a dwelling unit together with a senior resident for purposes such as care of a senior in ill health or enabling seniors to fulfill legal responsibilities of guardianship or custody. The Special Permit including the age restriction shall run with the land in perpetuity and shall be enforceable by any owner (s) of SHD dwelling units. In the event of the death of the qualifying owner or occupant (s) of a dwelling unit, or foreclosure or other involuntary transfer of a unit within the SHD, a one (1) year exemption to the restriction shall be allowed for the transfer of the unit to another eligible occupant.

C. Density Incentives

(1) Basic Senior Village Bonus. A Senior Village's base density is defined as four housing units per gross site acre except where noted above. To qualify as a Senior Village, a proposal shall, at a minimum: (a) set aside five percent (5%) of the total number of dwelling units provided on the site as affordable housing as defined in this Section; and (b) provide a minimum of thirty percent (30%) of the lot area as permanent, protected open space conforming to the open space standards as set forth in this Section. The minimum 30% open space requirements may be waived by the Board if the proposed Senior Village is within the RD General Residential District and includes the rehabilitation or renovation of a certified, historic or architecturally significant structure for use as senior housing. This enhanced base density for Senior Villages may be further increased according to the provisions below pertaining to: additional affordable housing; additional open space dedication; and rehabilitation of existing buildings.

(2) Additional Affordable Housing. In addition to the minimum requirement of five percent (5%) on-site affordable housing, a density increase is permitted where proposals provide on-site housing opportunities for low or moderate income senior households. For the purpose of this Section, affordable housing shall be defined as dwelling units that are sold to, and occupied by, households earning up to 80% of the median area household income, as such median is defined by the United States Department of Housing and Urban Development (HUD). Affordable units shall, by deed restriction, remain affordable in perpetuity. The Planning Board will require that the Developer provide legally enforceable assurances, which are acceptable to the Planning Board, that the affordable dwelling units will continue to be affordable in perpetuity. Affordable units shall be dispersed

throughout the Senior Village and shall be externally indistinguishable from the market rate units. If the affordable units are part of a condominium, the condominium documents shall, at a minimum, ensure that the owners of the affordable units will not be required to pay for capital improvements they cannot afford and that they will have fair and sufficient voting rights. The property owner shall seek referrals for the affordable units from the Plainville Housing Authority and shall submit an annual report to the Plainville Housing Authority, detailing compliance with the affordable housing provisions of the Senior Village approval. The Plainville Housing Authority shall be responsible for monitoring the long-term affordability of the units and shall report any deviations from these provisions to the Inspector of Buildings and the Board. The amount of density increase shall be calculated as follows:

- a. For each affordable housing unit provided under this Section, two (2) additional housing units may be permitted up to the maximum permitted under this Section.
- b. For each affordable housing unit where, by deed restriction, Plainville residents have first right of refusal, two and one half (2.5) housing units may be permitted up to the maximum permitted under this Section. The density bonuses above are not to be combined. Under no circumstances shall one affordable unit allow more than two and one half (2.5) additional units.

D. Site Development Standards

(1) Site Context Plan: A plan showing the location of the proposed development within its neighborhood context shall be submitted. For sites less than 100 acres in area, such plans shall be at a scale not less than 1 inch = 200 feet and shall show the relationship of the subject property to natural and man-made features existing within 1,000 feet of the site. For sites of 100 acres or more, the scale shall be 1 inch = 400 feet, and shall show the above relationships within 2,000 feet of the site. The features that shall be shown on Site Context Plan include topography (from United States Geological Survey plans), stream valleys, wetland complexes, woodlands, high points, knolls, and ridge lines, and public roads and trail, utility easements and right of ways, public land, and land protected under conservation easements or other methods protection. All information may be obtained from existing resources.

(2) Each building in the Senior Village shall have a minimum front yard of no less than twenty (20) feet from the edge of the paved way to the closest point of the structure, and a side yard of not less than ten (10) feet from the edge of the paved way to the closest point of the structure. The Board may waive these requirements if the Board finds that such reduction will result in better design, improved protection of natural and scenic resources, and will otherwise comply with this Bylaw.

(3) Each building in the Senior Village shall be setback a minimum of fifty (50) feet from the Senior Village's perimeter lot line(s). This minimum setback shall be increased by five feet for each foot the proposed building is over thirty (30) feet in height. The maximum height of any structure in a Senior Village shall be no greater than thirty-five (35) feet. The setback area shall be maintained as natural open space or as densely planted landscaped buffer. The Board may waive these requirements if the Board finds that such reduction will result in better design, improved protection of natural and scenic resources, and will otherwise comply with this Bylaw.

(4) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainage ways shall be treated as fixed determinants of roads and building configuration rather than as malleable elements that can be changed to follow a preferred development scheme. The Board may waive these requirements if the Board finds that such reduction will result in better design, improved protection of natural and scenic resources, and will otherwise comply with this Bylaw.

(5) Parking: Within the SHD, a minimum of two (2) parking spaces shall be required for each dwelling. Each parking space shall have adequate area for backing and maneuvering. The garage space shall not be included as a parking space. Each parking space shall have an area of not less than ten (10) feet wide and nineteen (19) feet long. The parking area shall be paved and connected with a paved driveway to the roadway within the development. In order to reduce impervious area within the development, common driveways are encouraged. The Planning Board shall, as a condition of its Special Permit, require additional off street parking areas to be used in common by dwelling unit owners and their invitees. In addition, the Planning Board shall, as a condition of the Special Permit, require that adoption of legally enforceable condominium by-law regulations to limit or prohibit the presence in the SHD community, either entirely or except in designated locations, of boats, boat trailers, campers, or other recreational vehicles. Commercial vehicles in excess of 10,000lbs are prohibited from parking in the SHD.

(6) The Planning Board may, as a condition, require that all utilities be installed underground: Each unit site shall be provided with a sanitary sewer service for the disposal of sanitary wastewater through a municipal system or on site septic system. The method of sanitary wastewater disposal shall conform to all the requirements of the Plainville Board of Health and Water and Sewer Departments.

(7) The Planning Board may, as a condition, require that no dwelling unit- have an exterior radio, television, dish-type antenna or window air conditioner.

(8) Access Ways: Roads and driveways within a SHD shall meet such width, size, grades, radius of curvature and construction standards as the Planning Board shall determine, based upon the standards provided in the regulations governing subdivisions, as the same may be waived or modified by the Planning Board to meet site conditions and design requirements.

(9) Roads, Drainage, Driveways: Within the SHD, all roads, drainage systems and driveways shall be maintained by the governing body or its designee. They shall be kept passable and in good condition at all times. Snow and ice removal shall be done by the permittee as part of the normal road and driveway maintenance. It is intended that all improvements within the development remain in private ownership and be maintained by the governing body or its designee.

(10) Open Space: Within the SHD, all open space shall be integrated within and around the development. Additionally, not less than thirty (30) percent of the total land area contained within the development shall be designated as open space and further provided that no less than twenty percent of the designated open space land shall be suitable for use for passive and/or active recreational purposes. Area used for roadway layout, community buildings and common facilities shall not be used as open space area or site area.

(11) Community Building: Within the SHD, there shall be a community building (s) and recreational facilities, which shall be available to all residents and their guests. The size of the building is to be a minimum of 2,000 sq/ft. Use of the community building(s) or facilities is specifically limited by this by-law to uses that will service the residents within the SHD. All uses within the development shall be delineated as part of the Special Permit application and must be specifically approved by the Planning Board as an integral part of the Special Permit.

(12) Business: Within the SHD, no business of any kind is to be conducted unless specifically authorized by the Special Permit herein granted.

(13) Other Facilities-All facilities for utility services, drainage, lighting and signage shall be in accordance with requirements established by the Planning Board, consistent with applicable provisions of the Zoning Bylaw and the regulations governing subdivisions, as the same may be waived or modified by the Planning Board to meet site conditions and design requirements.

E. Special Permit Conditions

(1) The Planning Board shall, as a Permit condition, require that all proposed condominium by-laws or SHD community regulations which may be relevant to the issuance of the permit, including but not limited to bylaw provisions prohibiting the presence of children residing in the SHD community and limiting or prohibiting the presence in the SHD community of boats, boat trailers, or recreational vehicles, be made a part of the Special Permit, and that any change to or failure to enforce said provisions shall be violation of said Special Permit.

(2) The Planning Board may, as a Permit condition, require that the proposed SHD community be constructed entirely on one (1) lot, and that, from and after the date of the issuance of the building permit for said SHD community or any portion thereof, no subdivision of said lot shall be allowed without the express approval of the Planning Board; provided, however, that the recording of a condominium master deed and the conveyance of condominium units within the area covered by said deed shall be allowed. Said master deed shall be submitted to the Planning Board at the time of submittal of the application.

(3) The Planning Board may, as a condition of any Special Permit, may require that the land area on the SHD is located be permanently maintained as one undivided lot or, within a condominium, as one undivided condominium unit, or require such other legal mechanism as will, in the opinion of the Planning Board, assure that the said SHD will not be subdivided or its ownership further condominiumized, that said SHD will remain as rental housing, and that ownership of said SHD will remain consolidated.

(4) No Special Permit shall be issued without appropriate restrictions to ensure that the provisions of this section are made binding upon the applicant and his/her successor and heirs.

(5) No Special Permit shall be issued without the Local Housing Authority being authorized as the agency responsible for monitoring the affordable housing component of the proposal. A fee may be applied, as per the Local Housing Authority requirements.

F. Application Process

(1) The application process for a SHD development shall be by submission of an application for a special permit and the filing of a special permit. The plan must be prepared and stamped by a professional landscape architect in addition to a civil engineer or land surveyor; all registered in Massachusetts and shall meet all the requirements of a special permit as specified in the Plainville SHD Rules and Regulations to the extent applicable.

(2) The Applicant shall also simultaneously file copies of its application and special permit with the Board of Health, Conservation Commission, Building Inspector, Fire Department, Housing Authority, Town Clerk, Police Department, Highway Department and Water and Sewer Department, for their review, consideration and report.

(3) Applicant Qualifications - The applicant for a Special Permit for a SHD shall be the owner of the tract proposed for such development or be authorized in writing by the owner to apply for and be issued such Special Permit, and shall establish to the satisfaction of the Planning Board that the applicant has knowledge, experience and financial resources sufficient to construct and complete the development. The Planning Board shall establish fees to be paid in conjunction with an application for Special Permit hereunder.

(4) Occupancy Conditions: No certificate of occupancy, temporary or permanent, shall be issued for any unit in the SHD until all deed restrictions, covenants, easements, transactions, and/or other documents necessary to ensure compliance by the applicant with the requirements of this section have been submitted and executed.

Definitions

ADULT DAY CARE FACILITY - A facility that offers to seniors daytime programs, health care and assessment, personal care, social programs recreational activities, and meals and transportation, but does not provide a residence or overnight accommodations.

CAFETERIA/DINING ROOM - A facility for the sale of prepared food and drink, primarily for the use of occupants of the site. Such facility may be found in schools, office buildings, senior housing establishments and other like uses.

GROSS SITE ACRE - The total number of acres on a site, including wetlands and otherwise encumbered property.

SENIOR VILLAGE PLANNED UNIT DEVELOPMENT (SENIOR VILLAGE) - A master-planned development of land as a unified, self contained, residential community, constructed expressly for use and residence by persons who have achieved a minimum age requirement for residency of fifty five (55) years or older, in accordance with M.G.L. Chapter 151 B, Section 4, Subsection 6, and also incorporating the preservation of natural open space areas as an integral element of the development. A senior village shall be permitted only within a Senior Village Overlay District and only upon the granting of a special permit by the Planning Board.

SENIOR VILLAGE - See " Senior Village Planned Unit Development.

SENIOR VILLAGE COMMUNITY CENTER OR COMMUNITY BUILDING(S) - A building or group of buildings, erected primarily for the use of the residence of a single Senior Village and their guests, that provides educational, recreational, or social services that may include, but are not necessarily limited to: Senior Village residential services, library, place of worship, game room, entertainment room, kitchen, cafeteria or dining room, pool, toilet facilities, and similar facilities.

SENIOR VILLAGE RESIDENT SERVICE(S) - Services and facilities operated and constructed to primarily serve the residents of a single Senior Village. Such services and facilities may include, but necessarily limited to: adult education, adult day care, transportation services; laundry facilities; financial services; medical evaluation; home health care services; meals on wheels program; exercise or physical therapy center; recreational and educational activities; and other similar services or activities.

SENIOR VILLAGE RESIDENTIAL SUBDIVISION - A subdivision of land within a Senior Village that results in the creation of individual lots to serve as Home Sites upon which individual single-family dwellings are to be constructed for residence by seniors. The individual's single-family dwellings may be detached homes, attached or semi-attached townhouses, or other building type(s) approved by the Planning Board that is/are each designed for occupancy by an individual family.

ASSISTED LIVING OR CONGREGATE LIVING RESIDENCE FACILITY - An assisted living residence facility, as defined by M.G.L. Chapter 19D.

CONTINUING CARE OR LIFE CARE RETIREMENT FACILITY - A facility that includes a combination of types of dwellings or a lifetime continuum of accommodations and care for senior residents, including independent living, assisted/congregate living, and long-term care facilities.

HOME SITE - A specific lot within a Senior Village Residential Subdivision that is designated for the placement of a single-family dwelling.

INDEPENDENT LIVING RESIDENCE FACILITY - A facility that provides residential accommodations for senior adults who are in good health and do not require medical or skilled nursing care. Residents shall have individual living units with living, sleeping, bathroom, and kitchen facilities. The Independent Living Residence Facility may include a Senior Village Community Center or Community Building(s), or similar common areas such as a common dining facility, and space for the provision of social, psychological, and educational programs. The facility may provide home health care or other community-based services on an individual basis and offer meals, linen, and housekeeping services. The Independent Living Residence Facility may provide for a superintendent or for maintenance staff, but there shall be no on-site residence of medical or other staff.

LONG-TERM CARE FACILITY - A building or group of buildings which is licensed or approved by the Massachusetts Department of Public Health to provide 24-hour, intensive, skilled and supportive nursing care, convalescent, or chronic care under medical supervision to individuals who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves. A Long-Term Care Facility also typically provides personal care services in a supervised environment, and may contain common areas for therapy, recreation and dining. Further, the facilities may also include on-premise medical offices and treatment facilities related to the care of the residents.

SENIOR - An individual who is 55 years of age or older.

SENIOR VILLAGE TOWNHOUSE - A one-family dwelling unit, which is part of a structure whose dwelling units are attached or semi-attached to one another, and with each dwelling unit having at least one floor at ground level with a separate, private entrance. A townhouse may be constructed on its own individual and separate lot or may be one of several individual dwellings on a common lot.

**Webmasters Note: The previous section, 2.15, has been added as per an update approved at a town meeting held on 6/7/04.

Plymouth

Does zoning include any provisions for housing that is restricted by age?

Yes

Town of Plymouth Zoning Bylaw 2004

§ 205-29 Retirement Mobile Home Planned Unit Development.

ELDERLY — For purposes of § 205-29, elderly are persons 55 years of age or older. [Added 5-12-1981 ATM by Art. 34]

ELDERLY HOUSEHOLD — A household in which all permanent occupants are persons 55 years of age or older. [Added 5-12-1981 ATM by Art. 34]

§ 205-29. Retirement mobile home planned unit development. [Amended 5-12-1981 ATM by Art. 34]

A. Intent. It is the intent of this section to expand housing opportunities for the elderly in accordance with the Town's Housing Assistance Plan, to provide an attractive and healthy residential environment which meets the unique needs of the elderly, to protect such developments from encroachment by incompatible uses, and to ensure the proper location of retirement mobile home developments. It is further the intent of this section to encourage creative and innovative site planning and design practices which will enhance attractiveness and suitability of mobile homes as an acceptable housing type to meet the unique housing needs of the elderly.

B. Retirement mobile home planned unit developments.

(1) No mobile home for elderly households shall be erected, established or located on a site for permanent residency purposes, except in a retirement mobile planned unit development, which shall be designed and developed in accordance with the requirements as specified in § 205-28, Planned unit developments, and subject to all reviews and procedures specified therein. Occupancy of retirement mobile home PUD's shall be restricted to elderly households.

§ 205-29

§ 205-29

PLYMOUTH CODE

07 - 15 - 2004 205:96

(2) Retirement mobile home PUD's may be established by special permit in any residential zone, only within a village service area as defined in this bylaw. The gross density of mobile homes shall not exceed five dwelling units per acre; each mobile home space shall not be less than 6,000 square feet in area and 60 feet in width; and for each such space there shall be a minimum of 2,000 square feet of common open space, including roads and amenities. No mobile home park shall be less than 20 acres in size nor contain more than 400 units nor should the total number of mobile homes in a village service area exceed 10% of the total number of housing units therein. Mobile home parks shall conform to all applicable regulations of the districts in which they are located except as modified herein.

C. Other requirements. The following requirements shall apply to all mobile homes:

(1) Buffer area. Buffers in the form of walls or planting shall be provided around all mobile home parks and subdivisions in order to protect residential areas from possible adverse effects of mobile home areas and to protect mobile home residences from the potential undesirable effects of commercial or industrial areas. Buffers may be included as part of the required allotments of common land and shall be designed as an integral part of such common land. Such buffers shall be provided along all property lines and shall consist of a strip which averages 100 feet in width but which may vary according to topography and existing or proposed vegetation. Walls or screens of durable material may be combined with said planting. The effect of such buffers shall be as described under § 205-21, Buffers between land uses, and buffers may be modified according to the needs of the particular situation as determined by the Board of Appeals.

(2) Service road. The Board of Appeals may waive all or a portion of the requirements for sidewalks and may allow roadway pavement widths of no less than 24 feet zero inches if the development includes a paved service road along the back of each mobile home space. This service road is to serve as a convenience for deliveries and pickup of such items as fuel, refuse, garbage, etc. It shall be designed and constructed to the same standards as the main roadway, except that its paved width may be as little as eight feet zero inches as determined by the Board of Appeals.

(3) Security. Because of the special nature of the occupants of retirement mobile home developments, the proposed design shall be evaluated for its security features. Single primary access roads are encouraged, provided that multiple emergency accesses are available. Attractive perimeter fencing in conjunction with buffer areas is also encouraged.

(4) Community facilities. All community facilities shall be designed in accordance with the most recent Massachusetts standards for accessibility for handicapped persons. All buildings must be directly accessible from a ground level which, in turn, is accessible to vehicles. Community facilities shall include a minimum of 15 square feet per unit interior space and 20 square feet per unit formal outdoor recreation space such as a swimming pool or tennis court. A community building

may include as a part thereof a canteen offering convenience-type items for sale, provided that said canteen does not exceed one square foot per unit or 100 square feet, whichever is smaller. Community nonresidential facilities, including clubhouses, swimming pools, laundries, stores, etc., shall not be made available for use by any person other than residents of the RMHPUD and their invited guests for traditional family and/or neighborhood activities. Commercial use of such facilities is incompatible with the residential character of a RMHPUD and is hereby specifically prohibited by this bylaw. [Amended 4-2-1983 ATM by Art. 32]

(5) Site planning requirements. A minimum to two off-street parking spaces shall be provided for each mobile home on its parcel. All utilities shall be underground.

Plympton

Does zoning include any provisions for housing that is restricted by age?

Yes

Town of Plympton Zoning By-Laws (2001 Edition)

Section 7 - Special Permits

7.2 Uses Authorized By Special Permit

No special permit may be issued for the following specific uses except in accordance with the conditions and requirements for each listed use as determined by the designated Special Permit Granting Authority. The Board of Appeals shall be the Special Permit Granting Authority except where otherwise specified.

Multi-Family Dwellings for Elderly and Handicapped Persons:

1) Authority

A building or group of buildings specifically designated for elderly and handicapped persons may be permitted by issuance of a special permit by the Board of Selectmen as the Special Permit Granting Authority.

2) Purpose

The availability of suitable housing for elderly and handicapped residents of the Town of Plympton is determined to be of public benefit, and the purpose of this section is to provide a means to meet this present and future need. It is intended that such housing may be permitted within the Town of Plympton in a density of which ever is the greater number: forty (40) dwelling units or that number of dwelling units determined as the ratio of one (1) such unit to each fifty (50) residents of the Town as determined by the latest state or federal census.

It is also intended that the special permit granting authority shall consider the effect of such use upon the present ability of the Town to provide municipal services and the relationship of such use to the capital improvement program of the Town and the continued ability to provide services.

3) Definitions:

Elderly Persons: Persons who have reached the age of sixty-two (62).

Handicapped Persons: Persons who have an impairment duration and which substantially impedes the ability to live independently in conventional housing.

Dwelling Unit: For the purpose of this section, a dwelling unit shall be a single housekeeping unit with provisions for sleeping, cooking and sanitation.

4) Required Conditions

The special permit granting authority under this section shall require the following as conditions to such special permit.

4.1 Lot Size: Not less than one quarter (1/4) acre per dwelling unit with minimum lot size ten (10) acres.

4.2 Lot Access: Not less than forty (40) feet in width.

4.3 Building Height: Not more than two (2) stories.

4.4 Unit Size: The minimum interior floor area of a dwelling unit shall not be less than four hundred eighty (480) square feet.

4.5 Special Provisions for Handicapped Persons: Dwelling units and common areas on the ground floor shall be constructed in such a way as to meet the special needs of the handicapped.

4.6 Parking: A minimum of one and one half (1 1/2) parking spaces shall be provided for each dwelling unit.

5) Site Plan Review

5.1 Site Plan - A Condition of the Special Permit: The Special Permit Granting Authority shall require a site plan, which shall be a condition to the special permit. The purpose of the site plan is to ensure that design and layout of the specially permitted use will be suitable for the purpose and will not result in a detriment to the neighborhood or to the environment.

5.2 General Review The applicant for the special permit shall file copies of the application and the site plan in the form and quantities specified in the rules and regulations adopted by the Special Permit Granting Authority. Review of the site plan shall consider provisions that will ensure:

5.2.1 Protection of adjacent areas against detrimental or offensive uses on the site by provision of adequate surface water drainage, buffers against light, sight, sound, dust, vibration, and preservation of light and air.

5.2.2 Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas.

5.2.3 Adequacy of the methods for disposal of wastes.

5.2.4 Protection of environmental features on the site and in adjacent areas.

5.3 Elements of the Site Plan: The site plan shall show all existing and proposed buildings, existing and proposed contour elevations, structures, parking spaces, driveway openings, driveways, service areas, facilities for sewage, refuse, and other waste disposal, and for surface water drainage, wetlands, surface water, areas subject to one hundred year flood, and landscape features such as fences, walls, planting areas, walks, and lighting, both existing and proposed. The site plan shall also show the relation of the above features to adjacent ways and properties. The site plan shall also show all contiguous land owned by the applicant or by the owner of the property which is the subject of the application.

5.4 Soil Conditions: The applicant shall submit material as may be required regarding measures proposed to prevent pollution of surface or groundwater, soil erosion, increased runoff, changes in groundwater level, and flooding.

5.5 Landscaping: The applicant shall submit such material as may be required regarding design features intended to integrate the proposed new development into the existing landscape, to enhance aesthetic assets, and to screen objectionable features from neighbors.

5.6 Traffic Flow: The applicant shall submit such material as may be required regarding the projected traffic flow patterns into and upon the site for both vehicles and pedestrians and an estimate of the projected number of motor vehicle trips to and from the site for an average day and for peak hours.

5.7 Water Supply: The applicant shall submit such material as may be required regarding the location of wells and other sources of potable water, together with lagoons, ponds, or water storage towers with sufficient capacity for fire protection.

6) Review by Other Town Boards:

The Special Permit Granting Authority may submit applications and site plans to other boards, such as but not limited to the Planning Board, Board of Health, the Conservation Commission, and the Council on Aging. The Council on Aging may be authorized by the Special Permit Granting Authority to maintain a list of resident applicants, such a list to be reviewed annually, and it shall be a condition to any special permit that due consideration of such list shall be included in the tenancy policies of the applicant. The Special Permit Granting Authority may submit the application together with conceptual and site plans to a Housing Committee for review and recommendations as to general design. Such committee shall be composed of four (4) members from the Council on Aging, and three (3) other residents of the Town of Plympton. Selectmen are SPGA.

Princeton *Does zoning include any provisions for housing that is restricted by age?*

No

Quincy *Does zoning include any provisions for housing that is restricted by age?*

No Zoning Ordinance City of Quincy, Section - Definitions (On website: <http://www.bpcnet.com/codes/quincy/>, 8/13/04)

"Age restricted senior housing facility" means a multi-family residential environment under any form of ownership and management which, by deed restrictions, covenants, lease conditions, and/or occupancy agreements limits residents to occupants who have attained the age of fifty-five years.

Zoning Ordinance City of Quincy, Section 17.12.030 (On website: <http://www.bpcnet.com/codes/quincy/>, 8/13/04)

Section 17.12.030 Planned Unit Development--Congregate elderly facilities--Requirements.

A. Special Permit -- Issuance. Congregate elderly facilities shall be permitted upon a recommendation of the planning board, and the issuance of a

special permit by a two-thirds vote of all members of the city council. Any change or amendment in the plan or conditions shall require approval by a two-thirds vote of all members of the city council.

B. Application -- Contents.

1. Each application shall include a development plan with a building profile and site plan, including existing and proposed topography, public utilities, parking, streets or ways, landscaping and other site-development-related information.

2. Each application also shall include a vicinity map showing the proposed use in relation to transit services, grocery stores, parks and open space, community facilities, medical facilities and a description of proposed management of the facility and the number and types of services to be provided to the residents.

3. Each applicant shall also include a market survey performed by a reputable marketing firm that outlines the need for the proposed elderly housing facility.

C. Required Facilities. Community space and related equipment shall be required to provide social and recreational opportunities for facility occupants. Included may be such facilities as game rooms, meeting rooms, music or craft rooms. All facilities must provide a doctor's examining room.

D. Transportation. Each complex must provide a transportation management plan that should demonstrate private transportation for all residents of the complex. This may include, but not be limited to, private van service and taxi cab voucher system.

E. Dimensional Requirements. In any Planned Unit Development district -- Congregate elderly facility, the following dimensional requirements shall apply:

Minimum size (sq. ft.)	Minimum area per DU (sq. ft.)	Parking Minimum number spaces per DU
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38,000	500	.5
--------	-----	----

Max. FAR	Maximum no. of stories
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2.0	6
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F. Parking. Each applicant shall demonstrate a parking plan which shall include specific parking spaces for staff and visitor parking. (Ord. 1990-84 (part); prior code Ch. 24, § 31 (part))

Randolph

Does zoning include any provisions for housing that is restricted by age?

Yes

According to Mary McNeil, Building Commissioner, the age restricted multifamily requires re-zoning through town meeting before it can be permitted.

Town of Randolph Zoning Bylaw, Section 200-14(b) (Amended 2003)

ARTICLE II Districts

Section 200-4 ESTABLISHMENT [Amended 4/23/01]

The Town of Randolph is hereby divided into nine districts as follows:

F. Multi-Family Fifty-Five (55) Plus Districts (A55+)

**Webmasters Note: The previous subsection has been added and the following subsections re-lettered as per an update approved at a town meeting held on 11/18/02.

(b) DWELLING, MULTIFAMILY FIFTY-FIVE (55) PLUS : A multi-family dwelling as defined by this bylaw for exclusive residential occupancy by persons fifty-five (55) years or older.

**Webmasters Note: The previous definition has been added as per an update approved at a town meeting held on 11/18/02.

Section 200-14 MULTIFAMILY DISTRICTS

B. Permitted uses. A Multi Family Fifty-Five (55) Plus dwelling shall constitute housing intended for persons of age fifty-five or over within the meaning

of Mass. General Laws, c. 151B, Section 4 and 42 U.S.C. Section 3601, and in accordance therewith, one hundred percent (100%) of the dwelling units shall be owned and occupied by at least one person fifty-five years of age or older per dwelling unit and such development shall be operated and maintained in all other respects in compliance with the requirements of such statutes and regulations promulgated pursuant thereto, as the same are currently in effect and as the same may be amended. The following uses are permitted in a Multi-family Fifty-Five (55) Plus District:

1. Multi-family dwelling as defined in this bylaw. No building may be constructed unless public . sewerage is available under the rules and regulations of the Sewer Department of the Town of Randolph.
2. Houses of worship, schools, public libraries, public museums, parish houses and philanthropic institutions.
3. Erecting or maintaining signs as permitted in Article IX of this bylaw.
4. Cluster development and construction permitted for those sites containing a minimum of five (5) acres, pursuant to MGL 40A sec. 9 and in accordance with MGL 41 sec. 81K to 81GG inclusive.

**Webmasters Note: The previous subsection, B., has been added as per an update approved at a town meeting held on 11/18/02.

Section 200-28 FRONT YARDS

E. In Multi-Family Fifty-Five (55) Plus Districts or zones, no building shall be erected or accessory use permitted except for walkways and driveways allowed within forty (40) feet of the sidelines of any street.

**Webmasters Note: The previous subsection has been added as per an update approved at a town meeting held on 11/18/02.

Section 200-30 REAR YARDS

B. In Multi-Family Districts and Multi-Family Fifty-Five (55) Plus Districts or zones, no building shall be erected or accessory use allowed within forty (40) feet of a rear lot line, except that not more than two (2) walkways and/or driveways may cross this forty foot buffer strip.

**Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 11/18/02.

Raynham

Does zoning include any provisions for housing that is restricted by age?

No

Reading

Does zoning include any provisions for housing that is restricted by age?

No

Town of Reading Zoning Bylaw, Section 4.3.1.4. (Last Amended 2003):

"There shall be provided in perpetuity on site or off-site, in a manner acceptable to the Reading Housing Authority, a minimum allocation of ten percent of the total units, unless otherwise regulated, relative to the development, which total units shall be affordable to very-low-income, low-income, and moderate-income families and/or elderly households as determined by the most recent calculations of the U.S. Department of Housing and Urban Development for the Boston Metropolitan Region and/or the Commonwealth of Massachusetts, Department of Housing and Community Development. If acceptable to the Reading Housing Authority with input from the Community Planning and Development Commission, this requirement may be satisfied by the payment to the Town or an agency thereof a monetary sum in lieu of provision of actual affordable units in or relative to the development for provision or enhancement of affordable housing in the Town of Reading."

There is reference to housing for the elderly in the PUD-R district, but the details are not elaborated:

4.9.6.2. Permitted Uses in PUD-R: Planned Unit Developments in an underlying residential district may contain two or more of the following uses subject to the findings of the CPDC as to net benefit and adverse impacts of the proposed PUD:

- a. Residential uses, including one family dwellings, two-family dwellings townhouses and apartments.
- b. Any or all of the uses allowed in a PUD-I in paragraphs (a), (b), (c), (f) and (h) of Section 4.9.4.2, housing for the elderly, day care facility, elder care facility, nursing home, medical clinic and ancillary offices an facilities, but only if such uses are located within 300 feet of a Town boundary.

AD 11/10

Rehoboth *Does zoning include any provisions for housing that is restricted by age?*

No

Revere *Does zoning include any provisions for housing that is restricted by age?*

No The Land Use Ordinance of Revere (City)
SUFFOLK COUNTY, MASSACHUSETTS
Title 17 ZONING

17.16.370 Independent elderly housing.

Independent elderly housing erected, constructed, placed, altered, converted or otherwise changed may be allowed by a special permit in the RC, RC1, RC2, RC3, LI, NE, GB, CE, HB, PDD1 and PDD2 districts in conformance with the dimensional and parking control requirements of this title except as specifically changed by this section.

- A. Minimum parcel size shall be ten thousand square feet in the NB, GB, CB, HB, RC and RC3 districts.
- B. Minimum set backs in the NB, HB, GB, CB, HB, LI and PDD2 districts shall be of at least twenty feet in the front, rear and each side.
- C. At least one parking space shall be provided for each bedroom. (C.O. 97-105 Section 30; C.O. 91-23 Section 6(part))

17.16.380 Elderly housing congregate care.

Elderly housing congregate care erected, constructed, placed, altered, converted or otherwise changed may be allowed by special permit in the RC, RC1, RC2, RC3, PDD2, HB, LI, NB, GB and CB districts in conformance with the dimensional and parking control requirements of this title except as specifically changed by this section.

- A. Minimum parcel size shall be ten thousand square feet in the RC, NB, GB, CB and HB districts.
- B. Minimum setbacks in the RC, NB, GB, CB and HB districts shall be of at least twenty feet in the front, rear and each side.
- C. At least one parking space shall be provided for each bedroom. (C.O. 97-105 Section 31; C.O. 91-23 Section 6(part))

17.08.263 ELDERLY HOUSING, INDEPENDENT . Elderly housing, independent means a nonsubsidized residential environment for the elderly which includes services such as meals, housekeeping, health and transportation within a shared living environment. (C.O. 91-23 Section 4(part))

Rockland *Does zoning include any provisions for housing that is restricted by age?*

Yes

According to Doug Jeffrey, building inspector in Rockland, (7/20/04), multifamily housing is allowed by special permit for senior housing in the H1 District (Industrial-Park-Hotel District).

Researcher did not locate any supporting text in the bylaw for the senior housing.

Rockport

Does zoning include any provisions for housing that is restricted by age?

No

Rowley

Does zoning include any provisions for housing that is restricted by age?

No

Salem

Does zoning include any provisions for housing that is restricted by age?

No

Salisbury

Does zoning include any provisions for housing that is restricted by age?

No

Saugus

Does zoning include any provisions for housing that is restricted by age?

Yes

G. ELDERLY AND HANDICAPPED HOUSING. For the public purpose of providing for the availability of sufficient numbers of decent, safe and sanitary rental building units within the Town of Saugus for elderly and handicapped persons of low or moderate income and keeping in harmony with the general intent of the Zoning By-Law by providing housing while protecting the public health, safety, and general welfare, the Saugus Housing Authority may make application to the Board of Appeals for a Special Permit exempting a tract of land situated within an R-4 multi-density apartment district from the Zoning By-Law as it pertains to density requirements only. The major purpose of this section is to encourage and permit the efficient development of land by public funds to fill the need for increased housing now facing the older and handicapped population of the Commonwealth, which need cannot be met through strict application of the Zoning By-Law.

After notice and public hearing, the Board of Appeals may grant such a permit, subject to the following conditions:

1. The tract shall be at least four (4) acres at the time of application.
2. The residential net density within the tract shall not exceed 35 dwelling units per acre.
3. The minimum total area for any one building lot shall be 10,000 square feet, with an additional 1,250 square feet of lot area required for each housing unit in excess of 6 units.
4. Reasonable visual and acoustical privacy shall be provided where feasible. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants.

5. Parking convenient to all buildings shall be provided, with one space required for every three (3) units.
6. For the purposes of this section of the By-Law, the definitions of "elderly" and "handicapped" as currently promulgated by the U.S. Department of Housing and Urban Development (HUD) shall apply, and in case of any question as to any applicant's status, the interpretations of that agency shall control.
7. Following the grant of the permit, the Housing Authority shall submit a site plan to the Planning Board for approval of the layout of driveways, parking, internal roadways, and provisions for adequate utilities.
8. The Board of Appeals may, in appropriate cases, impose further restrictions upon the tract, or parts thereof, as a condition for granting the special permit.

Saugus does offer a density bonus for senior housing built for the Saugus Housing Authority.

(1) There shall be an additional 2,500 sq. ft. for each unit in excess of four (4), except for federal or state-aided housing for the elderly or handicapped, built for the Saugus Housing Authority, where up to 35 units/acre of land may be allowed by Special Permit from the Board of Appeals under Section 12.4G of this Zoning By-Law.

Scituate *Does zoning include any provisions for housing that is restricted by age?*

No

Seekonk *Does zoning include any provisions for housing that is restricted by age?*

No

Sharon *Does zoning include any provisions for housing that is restricted by age?*

Yes Sharon Zoning Bylaws
 ARTICLE II. DISTRICT REGULATIONS
 2300. DISTRICT USE REGULATIONS
 2310. General Residence, Single Residence, Suburban, Rural and Housing Authority Districts.
 2311. Permitted Residential Uses:
 a. Residence for a single family;
 b. In Housing Authority Districts only, single or multiple residence housing complete with auxiliary buildings constructed and operated by or for a housing authority organized under Chapter 121B of the General Laws and subject to the following conditions:
 (1) Age of principal inhabitant of each dwelling unit is not less than sixty years;
 (2) Occupancy is limited to individuals or families of low income with rentals based on income in accordance with the regulations issued by the Commonwealth of Federal agency subsidizing the operation.

The Conservation Subdivision Developments which are by special permit also allow age restricted developments.

Sharon Zoning Bylaws
 ARTICLE IV. SPECIAL REGULATIONS
 4360 - CONSERVATION SUBDIVISION DESIGN (CSD)
 4363 DEFINITIONS

AGE QUALIFIED RESIDENCES - Dwelling units intended and operated for occupancy by persons 55 years of age or older, and at least ninety five (95%) percent of the occupied units are occupied by at least one person who is 55 years of age or older and with no more than one person who is younger

than 55 years of age

Density bonus for age restricted units under SCD zoning:

4360 - CONSERVATION SUBDIVISION DESIGN (CSD)

4367 BASIC MAXIMUM NUMBER OF LOTS, UNITS, AND BEDROOMS

3 In the case of age qualified residences (with no more than two (2) bedrooms per dwelling unit), the allowable number of dwelling units shall not exceed one and three quarter (1 3/4) times the allowable number of conventional lots,

Sherborn

Does zoning include any provisions for housing that is restricted by age?

Yes Town of Sherborn Zoning Bylaws, Section 5.6.5 Special Permit Requirements (2004) that "c) Building Occupancy

The occupancy of multi-dwelling projects in Residence M Districts shall be limited to families at least one member of which is 55 years of age or older. (amended 2001)."

From ordinance.com:

5.6 Residence M District - Multidwelling Projects (Added 1979)

5.6.1 Purposes

The purposes of the Residence M District are to provide for the demonstrated elderly housing needs of the Town by making provision for appropriately located, specially designed and reasonably priced housing for occupancy by elderly persons who otherwise would not have such housing opportunities within the Town; to allow greater flexibility in land use planning for the development of tracts of land in terms of density, preservation of open spaces, utilization of natural features, provision of municipal services and provision of a variety of housing types; to ensure that site development plans will be presented to the Town Meeting in connection with a proposal to rezone a tract of land to Residence M District; and to enable the Planning Board to require adherence to such site development plans in the granting of a special permit as hereinafter described.

5.6.2 Land Use and Dimensional Requirements

In the absence of a special permit for multidwelling project granted as hereinafter described, land uses and dimensional controls in the Residence M District shall be the same as those for the district for which the land was zoned before the rezoning. Multidwelling projects which have received such, special permits must conform with the dimensional requirements set forth in Section 5.6.5. The Planning Board may impose conditions limiting the uses allowed in a multidwelling project pursuant to Section 5.6.6g.

5.6.3 Town Meeting Presentation - Preliminary Development Plan

Every proposal for the rezoning of land to a Residence M District classification must be presented to a Town Meeting for a two-thirds vote in accordance with Chapter 40A of the General Laws. The initial proposal submitted to the Board of Selectmen for inclusion in the Town Warrant need only include a description of the land proposed for rezoning and a brief description of the proposed project, but every proposal must include a Preliminary Development Plan when it is presented at the Planning Board public hearing required by said Chapter 40A prior to the Town Meeting, and later, as the plan may be amended after such public hearing, at the Town Meeting. In addition to the requirements imposed by the rules and regulations of the Sherborn Planning Board, adopted pursuant to said Chapter 40A, the Preliminary Development Plan shall show in a general manner but drawn to scale, the boundaries and topography of the parcel; the wetlands, ponds, streams, or waterways within or adjacent to the land; the proposed location, bulk, types, architectural character and typical floor plans for all buildings or structures; the proposed locations, design and dimensions of all streets, walks, parking and other paved areas; the proposed grading plan, drainage plan, and location of major utilities, wells and septic systems; and the proposed open space. The Preliminary Development Plan shall also include, either on the plans or in other documentary form, the name and address of the record owner, the proposed dwelling unit density, the total floor area, proposed rents or sale prices, and any other information concerning the purposes and nature of the proposed project which the proponent believes will assist the Planning Board and Town voters in their deliberation. The Planning Board, in its report to the Town Meeting, required by law, shall include its opinion on whether or not the proponent has prepared and presented sufficient data to give reasonable assurance that the development will conform to the Preliminary Development Plan with respect to the location, layout and design of proposed buildings, drives and streets, to the density, type and design of floor plans and dwelling units, and to any other material which the proponent has submitted with his proposal. At least two weeks before the Town Meeting, one complete copy of all material to be presented to the Town Meeting shall be filed with the Town Clerk for public inspection.

5.6.4 Special Permit Application - Final Development Plan

The Planning Board shall be the special permit granting authority for multidwelling projects within a Residence District and all relevant requirements set forth in Section 6.2.3 and 6.2.5 with respect to special permits before the Board of Appeals shall apply to the Planning Board herein. The applicant shall file his application for a special permit with the Planning Board and forthwith with the Town Clerk. Such application shall be accompanied by a Final Development Plan which indicates full compliance with the requirements set forth in Section 5.6.5 below, and which includes at a minimum, the following plans and supporting materials:

a) Survey

A survey plan of the land by a registered land surveyor showing all metes and bounds, prominent natural or man-made features, existing buildings or structures, tree lines, topography in 2 foot contours in the portion developed with buildings and 10 foot contours elsewhere, the location of land in the Flood Plain District, if any, all adjoining existing streets and all abutting owners.

b) Site Development Plan

A plan or plans showing soil culture, proposed grading plans, drainage plans, the location of buildings and other improvements, the landscaping plan, open space designation, the utilities distribution plan, and the dimensions, materials and types of construction of all streets, roads, parking, walkways and walls.

c) Architectural Plans

Preliminary plan or plans showing building locations, typical floor plans, elevations, sections, important exterior details of the buildings and general massing.

d) Statistics

A tabulation of the proposed buildings by building type, size (showing number of rooms by use, and total floor area), ground coverage, dwelling units per building, and dwelling units per acre. There shall also be a summary of the percentages of the site covered by buildings, covered by paved areas and designated for open space.

e) Developer Information

A legal description of the development entity with documented financial information sufficient to establish the developer's capability to complete all aspects of the project; documentation indicating a firm commitment from a recognized financial institution for construction financing and, where appropriate, permanent mortgage financing; the approximate schedule of rents, leases or sale prices; and where publicly financed, subsidized or otherwise publicly assisted units are involved, written evidence of the receipt of such approvals and/or commitments as may be required.

All application, plans and supporting materials for such special permits shall be submitted to the Board of Health and the Conservation Commission by the Planning Board for their review and written recommendations. Either such board or commission shall make such recommendations as it deems appropriate and shall send copies thereof to the Planning Board and to the applicant. The Failure of either such board to make recommendations to the Planning Board within 35 days from the receipt thereof shall be deemed to be lack of opposition thereto. Such a submission by the Planning Board and such recommendations by the Board of Health and the Conservation Commission shall in no way relieve the applicant of any obligations he may have to obtain permits or other approvals independently from those boards.

5.6.5 Special Permit Requirements

The Planning Board must hold a public hearing within 65 days after the filing of the application with the Planning Board. In addition to the specific requirements set forth below, the Planning Board may consider the probable impact of the proposed development upon Town services and facilities, the compatibility of the project with the surrounding area and the consistency of the proposed development with the Town's long range planning objectives. In order to approve a proposed multidwelling project and grant a special permit therefor, the Planning Board must find that all of the following requirements are met:

a) Lot Size

Only lots 10 acres or larger may be rezoned for Residence M District use for multidwelling projects.

b) Lot Location

No special permit shall be granted for any land which is more than one mile by public way from the intersection of Main and Washington Streets or land of which at least 25% of such property is within the Business G or Business P districts as shown on the Zoning Map of Sherborn. Locations should be readily accessible to shopping, transportation, and other public facilities and services used by the elderly.

**Webmasters Note: The previous section 5.6.5 (b) has been amended as per Case No. 1574 from 4/24/01.

c) Building Occupancy

The occupancy of multi-dwelling projects in Residence M Districts shall be limited to families at least one member of which is 55 years of age or older.

**Webmasters Note: The previous section 5.6.5 (c) has been amended as per Case No. 1574 from annual town meeting 4/24/01.

d) Density

No more than 4 dwelling units per acre shall be permitted on any one lot approved for multidwelling use. There shall be no more than 8 dwelling units in any one building and not more than 2 bedrooms in any one dwelling unit. There shall be a minimum of 30 feet between buildings on the site.

e) Special Needs Design

Building and site layout shall be specially designed for the needs of the elderly with particular attention to appropriate floor plans, safe and convenient ingress and egress from buildings, and parking, walks and ramps which meet current standards for the handicapped. Where possible, special facilities for meeting and communal social activities shall be provided.

f) Architectural Design

The architectural scheme shall be harmonious within the project with respect to choice of materials, colors, style, detailing and massing, but rigidity and monotony are to be avoided by use of variations in building size, height, location and roof lines and the judicious arrangement of landscaping elements and site features. The project shall also be harmonious with the surrounding buildings and insofar as is appropriate for the particular location, consistent with the architectural traditions of the Town.

g) Landscaping

All improvements shall be placed so as to leave undisturbed, as far as possible, the special environmental and historical features of the site including especially woodlands, wetlands, ponds, streams, waterways, marshes, hill tops, ravines, biological habitats of special interest, views of unusual importance, continuous green belts, existing trails and bridle paths and historical monuments. The required setback buffer shall consist of natural woodlands wherever possible. Otherwise, indigenous trees and shrubs and other elements such as walls and earth berms shall be used to create effective screening. The applicant must submit a landscaping plan prepared by a registered architect or landscape architect which will be reviewed by the Planning Board for aesthetic effect.

h) Open Space

At least 25 percent of the total area or 3 acres of such lot, whichever is greater, shall, except as provided below, remain unbuilt upon and set aside for conservation, outdoor recreation or park purposes or buffer areas. Such open land shall be in addition to required front, side and rear yards and may be in one or more parcels of a size and shape appropriate for the intended use and may be conveyed either to and accepted by the Town or its Conservation Commission, to a legal association comprised of the homeowners within such lot, or to a non-profit organization the principal purpose of which is the conservation of open space. Such open land shall be included in the total lot area for the purpose of computing the dwelling unit density of the lot. The future ownership of such open land, which may differ from parcel to parcel, shall be specified by the Planning Board as a condition of the special permit, but when such open land is conveyed to persons other than the Town of Sherborn, the Town shall be granted an easement over such land sufficient to insure its perpetual use as conservation, recreation or park land or buffer area.

i) Utilities

All electrical, gas, telephone, water distribution and other utility and service lines shall be placed underground in accordance with the regulations of the respective utility companies and the rules and regulations of the Sherborn Planning Board adopted pursuant to Chapter 40A. Adequate methods shall be provided on the site for waste disposal and for surface and subsurface drainage in accordance with the Regulations of the Health Department. j) Lighting

Lighting of parking and walkways shall be designed to provide sufficient uniform illumination with a low glare factor. The mounting heights shall be as appropriate for the architectural character and scale of the buildings, but all lights must be arranged and shielded to prevent direct glare from the light source onto any street or adjacent property.

5.6.6 Planning Board Approval

The Planning Board may grant a special permit for a multidwelling project based on a determination that the proposed development will be consistent with, the development as approved by the Town Meeting, consistent with the requirements set forth in Section 5.6.5 and consistent with the general purposes of the Residence M District, subject to the following standards:

a) The special permit shall incorporate by reference the Preliminary Development Plan presented to the Town Meeting. The Planning Board may in its discretion, permit deviations from the Preliminary Development Plan presented to the Town Meeting, provided, however, that the Board shall not permit any increase in the dwelling unit density, nor shall it permit an increase greater than 10% in the total floor area. The Planning Board shall not authorize any non-residential use other than shown in the Preliminary Development Plan presented to the Town Meeting.

b) The Planning Board may require dwelling unit density to be less than that shown on the Preliminary Development Plan presented to the Town

Meeting, if the Board determines that proper land use planning so requires, but in such event, the Board shall file with its decision the basis for its determination, including, among other factors, soil conditions, drainage, traffic or other neighborhood conditions brought to the Board's attention, and the provisions of the usable open space.

c) The Planning Board may permit the construction and use of facilities such as a community center or recreation center for the use of the elderly residents and their guests if the Board determines that the inclusion of such facilities would be appropriate to the site and to the project as designed.

d) In granting a special permit, the Planning Board shall impose as a condition thereof that the installation of services and construction of interior drives within the development shall comply with the requirements of the rules and regulations of the Sherborn Planning Board adopted pursuant to Chapter 40A and may impose such additional conditions and safeguards as public safety, welfare and convenience may require.

e) The Planning Board, upon application by the developer and after hearing, may amend a special permit previously granted, but only in accordance with the standards hereinbefore set out.

f) Subsequent to a special permit granted by the Planning Board under the provisions of this section, minor revisions may be made from time to time in accordance with applicable laws, by-laws and regulations, but the development under such special permit shall otherwise be in accordance with the submission accompanying the developer's application for a special permit, except as modified by the decision of the Planning Board of any such revision. If the Board determines such revisions not to be minor it shall order a public hearing.

g) The Planning Board may impose such conditions on the permit which limit or otherwise vary the allowability of uses listed in Section 3.2 for Residence M Districts where in its judgment such uses would be inappropriate in a multidwelling project context.

5.6.7 Planning Board Denial (Amended 1980)

The Planning Board may deny an application for a special permit hereunder and base its denial upon the failure of the proposal to meet the requirements established in Section 5.6.5 hereof, a finding that the development would not be consistent with the purposes of the Residence M District including, but not limited to, the absence of a demonstrated need for such housing or a finding that the proposed development does not substantially conform to the Preliminary Development Plan as approved by the Town Meeting in connection with the rezoning of the land. Failure to so issue and file a decision within said 90 days shall be deemed a grant of the permit in accordance with Chapter 40A of the General Laws.

5.6.8 Procedural Requirements For Special Permits (Added 1980)

The Planning Board, as the special permit granting authority for multidwelling projects within a Residence M District, shall hear and decide an application for a special permit or any extension, modification or renewal thereof, in full compliance with the time limitations and all other procedural requirements specified in Chapter 40A of the General Laws and Section 6 of this By-Law.

5.7 Residence EA District - Multi-dwelling Projects (Added 1991)

5.7.1 Purposes

The purposes of the Residence EA district are to provide for

- (i) the demonstrated housing needs of the elderly,
- (ii) the demonstrated need for affordable housing for individuals with Low and Moderate income without regard to age,
- (iii) the public health by making provision for utilization of leaching and septic capacity for off-site municipal uses,
- (iv) to allow greater flexibility in land use planning for the development of tracts of land in terms of density, presentation of open spaces, utilization of natural features, provision of municipal services and provision of a variety of housing types, to ensure that site development plans will be presented to the Town Meeting in connection with a proposal to rezone a tract of land to Residence EA District and to enable the Planning Board to require adherence to such site development plans in the granting of a Special Permit as hereinafter described.

5.7.2 Land Use

Notwithstanding anything in this By-Law to the contrary, the Residence EA District may be utilized for elderly housing projects as described in Section 5.6 of this By-Law, and/or for affordable housing for Low and Moderate Income Units as the same is defined in 760 CMR 45.02 (as the same may be amended from time to time), and/or leaching or septic facilities for municipally owned buildings located outside of the lot or District.

5.7.3 Procedural Requirements and Limitations

Sections 5.6.2, 5.6.3, 5.6.4, 5.6.5, 5.6.6, 5.6.7 and 5.6.8 of the Zoning By-Laws, relating to the procedures applicable in the Residence M District shall apply to Residence EA District as if fully set forth herein with all references therein to "Residence M District" being replaced with "Residence EA District", EXCEPT AS FOLLOWS:

a) Section 5.6.5(c) ("Building Occupancy") shall be incorporated by reference in this Section 5.7.3 with the addition of the following to the end of the sentence "or persons eligible for Low or Moderate Income Units as defined in 760 CMR 45.02 (as the same may be amended from time to time)."

b) In Section 5.6.5(d), the reference to "two bedrooms" shall not apply to Residence EA District and instead the limitation shall be "not more than three bedrooms in any one dwelling unit". In the case of multistory buildings containing single level dwelling units (flats) which require an elevator to comply with ADA and handicapped access requirements, the Planning Board may waive the 8 unit maximum for each building if they find the building is otherwise harmonious and appropriate for the particular location and consistent with the architectural traditions of the Town.

**Webmasters Note: The previous section 5.7.3 (b) has been amended as per Case No. 1574 from annual town meeting 4/24/01.

c) Section 5.6.6 ("Special Permit Requirements") shall apply to Low and Moderate Income Units, but no approvals other than for the use of the site and other than those normally associated with septic/leaching systems shall be required for use of the Residence EA District for municipal building septic/leaching facilities shall be required.

5.7.4 Additional Requirements

In addition to the foregoing, Low and Moderate Income Units shall meet the following additional requirements:

a) Such housing must be either Subsidized Housing Units as defined in Chapter 40B of the General Laws of the Commonwealth or Local Initiative Units as defined in 760 CMR 45.03 (as the same may be amended from time to time), or municipally owned and operated affordable housing operated on the basis of substantial similarity with the goals and policies of Local Initiative Program as defined in 760 CMR 45.00.

b) For Local Initiative Units, the following shall apply:

i) the units are to be "Low and Moderate Income Units" as defined in 760 CMR 45.02 (as the same may be amended from time to time);

ii) the project is not developed with, or is not proposed to be developed with, a comprehensive permit within the meaning of Chapter 40B, Sections 20 - 23 of the General Laws;

iii) the project is subject to Use Restrictions which, as a result of the Special Permit provided by this Section, are a condition for the granting of the Special Permit: Use Restriction shall mean a contract, deed restriction, condition of Special Permit provided by this Section 5.7 or other legal instrument as may be required by the Special Permit Granting Authority and as may be approved by the Department of Community Affairs within the Executive Office of Communities and Development (which Agency has been established pursuant to Chapters 23B and 6A of the General Laws of the Commonwealth), which Use Restriction restricts occupancy of Low and Moderate Income Units to persons with qualified incomes for a determinate period of time.

iv) the initial period of such Use Restrictions is as long as the unit is occupied, but in no event less than five years; and

v) the owner/developer of the units agrees to be subject to equal housing opportunity guidelines established by the Department of Community Affairs.

vi) After issuance of any Special Permit pursuant to this Section 5.7, the Board of Selectmen shall make application to the Department of Community Affairs for certification that the unit so permitted is a "Local Initiative Unit" to count towards the Town's statutory obligations under Chapter 40B of the General Laws of the Commonwealth, all in accordance with the application procedures set forth in 760 CMR 45.00 ("Local Initiative Program"). (added 1991)

Shirley

Does zoning include any provisions for housing that is restricted by age?

Yes

While there is no distinction between multifamily that is age-restricted and not age-restricted in the permitting process per se, Section 2.9.4b exempts senior housing from the town building cap, with up to fifteen (15) additional building permits being available total to build age-restricted and low-income housing.

Shirley Zoning Bylaw

"2.9.4 Exemptions

The provisions of this Section shall not apply to, nor limit in any way, the granting of building permits or occupancy permits required for enlargements, restoration, or reconstruction of existing dwellings existing on lots as of the date of passage of this bylaw.

A. Dwelling units for low and/or moderate income families or individuals, where all of the following conditions are met:

1. Occupancy of the units is restricted to households qualifying under the Local Initiative Program as administered under the Massachusetts Department of Housing and Community Development.

2. The affordable units are subject to a properly executed and recorded deed restriction running with the land which shall limit each succeeding resale price to an increase of ten percent (10%), plus any increase in the consumer price index, plus cost of any improvements certified by the building inspector.
- B. Dwelling units for senior residents, where occupancy of the units is restricted to senior persons through a properly executed and recorded deed restriction running with the land. For purposes of this Section, "senior" shall mean persons over the age of fifty-five (55).
- C. Development projects which voluntarily agree to a minimum of 25% permanent reduction in buildable lots permitted under an approved definitive subdivision plan. Such developer shall be eligible for a maximum of five (5) exempt building permits per year within the said subdivision.
- D. Person or entity is entitled to one permit, on only one lot, per year, on a lot the person or entity owns at the time of the acceptance of this By-law.
- E. Beginning on September 12, 2000 through December 31, 2000, no more than fifteen (15) building permits may be granted under the provisions of this bylaw."

Shrewsbury

Does zoning include any provisions for housing that is restricted by age?

Yes

Senior Housing is a residential use listed on the use regulation schedule as allowed by special permit from the Planning Board in districts Rur A, Rur B, Res A, Res B-1, Res B-2, MF-1, MF-2, Apt, LB, CB, and LI.

Town of Shrewsbury Zoning Bylaw (Adopted 1967, Amended 2004)

SECTION II - DEFINITIONS

Senior Housing: (amended 5/22/2002)

A lot under single ownership containing not less than five (5) acres to be used for the placement of owner-occupied homes by persons who must be fifty-five (55) years of age or over commencing occupancy, provided, however, that no more than one of the persons occupying any unit may be under fifty-five (55) years of age, exclusive of nurses or other persons licensed to provide health care services to the elderly occupants of said unit.

SECTION VI - USE REGULATIONS

Footnote(23) Senior Housing in Districts Rur A, Rur B, Res A, Res B-1, Res B-2: Single family, Two-family or Multi-family townhouse-type structures in accordance with the provisions of Table II Multi-Family Residential MF-1 provided each living unit has a ground level floor, front and rear exposures and the connected living units do not exceed 6 in any one building. Buildings shall be separated by at least 50 feet excluding detached accessory structures and provided further that: (amended 5/22/2002)

1. Conditions 1 through 7 of Footnote 5 shall be satisfied.
2. Density of development shall not exceed 1 living unit/10,000 square feet of land area.

Footnote(24) Senior Housing in Districts LB, CB: Two-family or Multi-family structures in accordance with the provisions of Table II Multi-Family Residential MF-1 provided that each dwelling unit has two (2) exterior exposures; each structure contains not more than twelve (12) dwelling units unless each unit has a ground level floor in which case the structure shall contain not more than six (6) dwelling units; multiple structures shall be separated by a minimum distance of fifty (50) feet excluding detached accessory structures; and provided further that: (amended 5/22/2002)

1. Conditions 1 through 7 of Footnote 5 shall be satisfied.

Footnote (5) Senior Housing in MF-1 district:

MF-1 -- Multi-family structures in accordance with the provisions of Table II provided that each dwelling unit has two (2) exterior exposures; each structure contains not more than twelve (12) dwelling units unless each unit has a ground level floor in which case the structure shall contain not more than eight (8) dwelling units; multiple structures shall be separated by a minimum distance of fifty (50) feet excluding detached accessory structures; and provided further that:

1. All off-street parking areas as required under Section VII D shall be provided, none of which shall be in the required yards.
2. On-site recreational facilities shall be provided in an amount and type compatible with the proposed size of the development.
3. Single developments shall not exceed 125 living units.
4. Site development shall be in accordance with the applicable provisions of the Planning Board's current Subdivision Rules and Regulations regarding utilities, drainage, parking areas and roadways.
5. Due consideration is given to reducing the impact of the development on abutting properties with respect to traffic, lighting, location of recreational facilities, yard requirements and screening.
6. All access ways to and from the site shall be privately maintained.
7. A site plan has been prepared in accordance with the provisions of Section VII F.
8. Final development plans are substantially consistent with the proposals presented to the Town at the time of rezoning

Footnote(6) Senior Housing in MF-2 District:

MF-2 -- Multi-family townhouse-type structures in accordance with the provisions of Table II provided each living unit has a ground level floor, front and rear exposures and the connected living units do not exceed 8 in any one building. Buildings shall be separated by at least 50 feet excluding detached accessory structures and provided further that:

1. Conditions 1 through 8 for MF-1 are met.
2. Density of development shall not exceed 1 living unit/10,000 square feet of land area.

Footnote (7) Senior Housing in Apt District: 1. Each dwelling unit shall have at least one (1) exposure.

Somerset

Does zoning include any provisions for housing that is restricted by age?

No

Town of Somerset Zoning Bylaw (2003)

10.0 SHARED HOUSING FOR THE ELDERLY

10.1 Purpose.

To provide an opportunity for unrelated elderly persons to live together in a shared environment under the responsible supervision of an agency or group deemed adequate by the Special Permit Granting Authority.

10.2 District Designation and SPGA.

Shared elderly households shall be a special permit use in all districts, except the Industrial District and Business Development District. The Zoning Board of Appeals shall serve as the special permit granting authority (See Section 7.6).

10.3 Special Permit Conditions.

Shared households shall be detached single family dwellings in full compliance with the lot dimension requirements of its district.

Parking. Off-street parking shall be provided in an amount deemed adequate by the SPGA, except that each Shared Elderly Household shall provide a minimum of three off-street parking spaces.

The site plan shall reserve sufficient area on the lot to provide one off-street parking space per resident. When the number of automobiles exceeds the number of available parking spaces, additional parking spaces shall be provided as needed.

Site Plan Requirements. Each special permit application shall include a site plan showing the lot boundaries and areas, the proposed floor layout of the building, any proposed exterior changes to the building, the location of off-street parking spaces and means of access, and the location of reserve parking areas.

Occupants shall not be less than sixty years old.

The special permit shall specify the number of occupants (not to exceed six).

Except for safety features required by State regulations, there shall be no significant changes to the building exterior.

The applicant shall present a plan that demonstrates its ability to provide for the management and supervision of the Shared Elderly Household.

Applications and site plan shall be submitted to the Board of Health for review and recommendations.

10.4 Rules and Regulations of the SPGA.

The SPGA shall adopt rules and regulations relative to the procedure 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 preliminary plans. The rules and regulations shall specify any additional information the SPGA deems necessary to make its review, including the quantities, contents and scale of the maps to be present

Somerville

Does zoning include any provisions for housing that is restricted by age?

No

Southboro

Does zoning include any provisions for housing that is restricted by age?

Yes

Text of Zoning Chapter of the Town of Southborough, Massachusetts, Section 174-8.5:

"174-8.5. BH Highway Business District.

[Added 4-12-1993 ATM, Art. 43]

A. Permitted uses are as follows:

- (1) All uses permitted in the Residential Districts.
- (2) Dwelling on the premises for a night watchman or janitor.
- (3) Cafeteria on the premises for use by employees and not for the general public.

B. Permitted uses up to fifty thousand (50,000) square feet are as follows:

- (1) Office-type trailer or mobile home used as business quarters for thirty (30) days or fewer in a year.
- (2) Retail sales and services which do not involve manufacturing on the premises.
- (3) Retail sales and services involving manufacturing of products, the majority of which will be sold on the premises to consumers, with not more than four (4) persons engaged in manufacturing operations.
- (4) Newspaper, job printing and publishing.
- (5) Office, bank, office building.
- (6) Hotel or motel, restaurant (excluding drive-through food service establishments). [Amended 1-27-1996 STM, Art. 5]
- (7) Clinic or medical testing laboratory.
- (8) Automotive service, gasoline station or repair garage, automotive sales.

C. Uses permitted by special permit are as follows:

- (1) All uses allowed in Subsection B that exceed fifty thousand (50,000) square feet.
- (2) Accessory apartment.
- (3) Boat livery, cemetery, children's camp, golf course, private nonprofit membership club, public utility, riding stable, ski tow.
- (4) Hospital, nursing home, home for the aged.
- (5) Private school, nursery or kindergarten.
- (6) Veterinarian, animal hospital, dog kennel.
- (7) Conversion of a one-family house in existence for two (2) years or longer to a two-family dwelling, on a lot with a minimum of fifteen thousand (15,000) square feet.
- (8) Mobile home or travel trailer used as a dwelling or business quarters for more than thirty (30) days in a year.
- (9) Multifamily housing for the elderly, owned by a public or a nonprofit community housing organization.
- (10) Private garage or parking for more than three (3) cars or more than one (1) truck or other commercial vehicle.
- (11) Indoor recreation, athletic or exercise facility; theater for cultural arts. [Amended 4-8-1996 ATM, Art. 56]
- (12) Sale or storage of fuel, lumber, building materials and equipment, contractors yard.
- (13) Hazardous waste storage and disposal facilities, other than small generators, as defined by the Environmental Protection Agency and the Commonwealth of Massachusetts, except that a special permit may be issued for such a facility upon approval by the appropriate federal and state agencies, review and comment by the Southborough Board of Health, Conservation Commission, Planning Board and Fire and Police Chiefs, following a duly advertised public hearing and in accordance with the Hazardous Waste Facilities Siting Law.

D. Prohibited uses. All uses which are not listed above, legally nonconforming or otherwise allowable by the provisions of the zoning regulations are prohibited.

E. Development standards are as follows:

- (1) Minimum lot area: forty-three thousand five hundred sixty (43,560) square feet [minimum twenty thousand (20,000) square feet exclusive of wetlands]. [Amended 4-8-1996 ATM, Art. 54]
- (2) Minimum frontage: two hundred (200) feet.
- (3) Minimum setbacks:
 - (a) Front: fifty (50) feet; seventy-five (75) feet if on Route 9.
 - (b) Rear: fifty (50) feet.
 - (c) Side: fifty (50) feet.
 - (d) Other street: twenty-five (25) feet; thirty-seven and one-half (37 1/2) feet if on Route 9.
- (4) Maximum height: forty-five (45) feet, three (3) stories.
- (5) Maximum floor area ratio: sixty-hundredths (.60).
- (6) Residential dwellings. Residential dwellings in the Highway Business District must comply with RB District standards."

HOUSING FOR THE ELDERLY - Housing with occupancy of each dwelling unit reserved to no more than two (2) persons, one (1) of whom must either be fifty-five (55) years of age or older or handicapped. [Added 4-14-1986 ATM, Art. 37]

Section 174-9. Special permit requirements.

H. (AMENDED ATM 4-14-97) Multifamily housing for the elderly is allowed by special permit per the Schedule of Use Regulations, Chapter 174-8. The Zoning Board of Appeals shall grant a special permit for elderly housing only after considering the following criteria:

(a) No development shall exceed an average per site of a maximum three (3) units per acre contiguous acre exclusive of wetlands, and six (6) bedrooms per contiguous acre exclusive of wetlands. No unit shall have more than three (3) bedrooms. Any application submitted to the Zoning Board of Appeals for a Special Permit for Multifamily Housing for the Elderly prior to December 19, 1997 shall be exempt from the exclusion of wetlands when calculating the maximum number of units per site. [Amended 12-10-97 STM Art. 3]

(b) Evidence shall be shown that, to the greatest extent possible, the development is offering to provide for the needs of Southborough residents of varying economic levels.

(c) The units shall have an exterior design that is consistent with the styles of the surrounding residential neighborhoods and the Town of Southborough in general.

(d) Wherever possible pedestrian connection to local services should be incorporated into the site design to lessen the dependency on the automobile.

(e) The plan shall be designed to maximize the preservation of the natural features of the site through the use of cluster housing, and/or creative site planning. Wherever possible existing vegetation should be retained throughout the site as a natural buffer to adjacent properties.

(f) The proposed development shall satisfy the criteria of this chapter (174-9) outlined in paragraph A., Decision considerations.

(g) The total cumulative number of units approved under this section by the Zoning Board of Appeals since January 1988 shall at not time exceed seven (7%) percent of the total number of one-family houses in Southborough at the beginning of the year in which the application is filed, based on the Assessor's records. Residences containing apartments shall be counted as one-family houses for the purposes of this subsection [Added 4-14-1998 ATM, Art. 52]

(2) The granting of a Special Permit by the Zoning Board of Appeals for multifamily housing for the elderly does not relieve the applicant from receiving all other applicable approvals, including Conservation Commission, Board of Health, and Site Plan approval from the Planning Board (re:174-10).

Sterling *Does zoning include any provisions for housing that is restricted by age?*

No

Stoneham *Does zoning include any provisions for housing that is restricted by age?*

No Stoneham's Medical/Office District does allow for Elder congregate housing by site plan approval, but also there are provisions for assisted living facilities and other care facilities which are not restricted by age.

Stoughton *Does zoning include any provisions for housing that is restricted by age?*

No

Stow *Does zoning include any provisions for housing that is restricted by age?*

Yes Town of Stow Zoning Bylaw, Section 8.8 (Last Amended 2003).

"8.8 ACTIVE ADULT NEIGHBORHOOD (AAN)

8.8.1 Purpose - Stow cherishes the wisdom and experience of our citizens, and encourages continuity and participation in the town by its residents. This bylaw is intended to provide housing designed for adult residents age 55 and older whom no longer want to maintain a single-family home. Preference shall be given to Stow residents and shall be achieved by local preference requirements as established, in accordance with all applicable law, by the Town of Stow Planning Board under its Rules and Regulations. An AAN shall be designed to:

**Webmasters Note: The previous paragraph has been amended as per an update approved at a town meeting held on 1/13/03.

- promote a sense of community among its residents;

- fit into the surrounding neighborhood while minimizing visual impacts;
- be in harmony with the natural terrain and consistent with Stow's rural New England architectural and village traditions;
- promote community through clustering of BUILDINGS, provision of community gathering spaces such as gardens and commons;
- emphasize protection of existing resources on the site, including natural resources, agriculture, recreation, and trail linkages.

8.8.2 Applicability - An AAN shall only be permitted by Special Permit, and any amendments thereto from the Planning Board, acting as the Special Permit Granting Authority, in accordance with MGL Ch. 40A, s.9 on land located in the AAN District.

8.8.3 AAN District

This district shall be an overlay district and shall include parcels of land depicted on a map dated May 13, 2002 and entitled "Active Adult Neighborhood District," or any amendments thereto. This map is hereby adopted coincident with the adoption of this Bylaw. Development in an AAN District is subject to all provisions of the remainder of the Zoning Bylaw, except to the extent provided in Sections 8.8, ACTIVE ADULT NEIGHBORHOOD (AAN). Section 8.9, Inclusion of Affordable Housing, does not apply to the AAN District.

**Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 5/19/03.

8.8.4 Permitted Uses - There shall be permitted in any AAN:

8.8.4.1 Single-family DWELLINGS, single-family DWELLINGS with ACCESSORY APARTMENTS. For the purposes of this Bylaw, an ACCESSORY APARTMENT shall be considered a DWELLING UNIT; and

8.8.4.2 MULTI-FAMILY DWELLINGS that are designed to be consistent in character with the singlefamily DWELLINGS in the same development. Such MULTI-FAMILY DWELLINGS may be allowed, provided there shall be no more than four (4) DWELLING UNITS in any residential BUILDING; and

8.8.4.3 Accessory uses and structures incidental to principal uses indicated above.

8.8.5 Procedural Requirements

8.8.5.1 Any new AAN and any proposed modification of an AAN shall be allowed only by Special Permit from the Planning Board in accordance with MGL Ch. 40A, s.9, subject to the requirements, conditions and limitations contained herein and in the regulations adopted by the Planning Board.

8.8.5.2 AAN Regulations

The Planning Board shall adopt and maintain a set of regulations that contains the necessary policies, procedures, and requirements to implement the provisions of this Section.

8.8.5.3 Application for an AAN Special Permit

An application for an AAN Special Permit shall be submitted in writing that meets the requirements set forth herein and all other information that may be required by the Planning Board under its Rules and Regulations.

8.8.6 Dimensional Requirements - There shall be no minimum LOT area, FRONTAGE, FLOOR AREA RATIO, LOT width or YARD requirements within an AAN or for any LOT or BUILDING within an AAN except as provided in this section. However, an AAN shall comply with the applicable requirements of the Water Resource Protection and Flood Plain/Wetlands Districts. The Planning Board may impose appropriate additional conditions on the location, layout and size of BUILDINGS, STRUCTURES and OPEN SPACE."

The Town of Stow Zoning Bylaw, Section 4.5.1 (Last Amended 2003).

" 4.5.1 Dimensional Regulations for ASSISTED LIVING RESIDENCE

In the Business District, an ASSISTED LIVING RESIDENCE shall be built according to the following dimensional standards.

minimum LOT area - 217,800 sq. ft. minimum LOT frontage - 200 ft. minimum LOT width - As otherwise set forth in this Bylaw minimum FRONT, SIDE and REAR YARDS - 50 ft. minimum setback of pavement areas other than ACCESS - 50 ft. DRIVEWAYS and walk ways from the front LOT line minimum separation of BUILDINGS within the LOT - 20 ft. maximum height of STRUCTURES - 35 ft. minimum OPEN SPACE - 30% maximum FLOOR AREA RATIO (business district only) - 0.30

4.5.1.1 Dimensional Regulation of ASSISTED LIVING RESIDENCES in the Business District shall be subject to FLOOR AREA RATIO.

4.5.1.2 All privileges and exemptions provided to single-family residential uses or BUILDINGS under this Bylaw as set forth in Section 3.8.1.11 or otherwise, shall also apply to ASSISTED LIVING RESIDENCES.

4.5.1.3 Where the requirements of ASSISTED LIVING RESIDENCES differ from or conflict with other requirements of the Bylaw, the requirements established herein shall prevail. The above requirements shall be met and where appropriate, the Planning Board may impose additional requirements as a condition of the Special Permit.

4.5.3 The provisions of Sections 4.1, 4.2, and 4.3 of the Zoning Bylaw shall not apply to an Active Adult Neighborhood. "

ACTIVE ADULT NEIGHBORHOOD (AAN) - A group of DWELLING UNITS for only adult residents of which at least one resident per DWELLING UNIT is 55 years of age or older. Such developments shall have this age restriction as part of the deed or other documents of record and running with the land for the dwellings and/or property and are permitted as an exception to the Fair Housing Act pursuant to 42 USC section 3607 B:2.c.

**Webmasters Note: The previous definition has been added as per Case No. 2191 from town meeting dated 6/6/02.

8.8 ACTIVE ADULT NEIGHBORHOOD (AAN)

8.8.1 Purpose - Stow cherishes the wisdom and experience of our citizens, and encourages continuity and participation in the town by its residents. This bylaw is intended to provide housing designed for adult residents age 55 and older whom no longer want to maintain a single-family home. Preference shall be given to Stow residents and shall be achieved by local preference requirements as established, in accordance with all applicable law, by the Town of Stow Planning Board under its Rules and Regulations. An AAN shall be designed to:

**Webmasters Note: The previous paragraph has been amended as per an update approved at a town meeting held on 1/13/03.

- promote a sense of community among its residents;
- fit into the surrounding neighborhood while minimizing visual impacts;
- be in harmony with the natural terrain and consistent with Stow's rural New England architectural and village traditions;
- promote community through clustering of BUILDINGS, provision of community gathering spaces such as gardens and commons;
- emphasize protection of existing resources on the site, including natural resources, agriculture, recreation, and trail linkages.

8.8.2 Applicability - An AAN shall only be permitted by Special Permit, and any amendments thereto from the Planning Board, acting as the Special Permit Granting Authority, in accordance with MGL Ch. 40A, s.9 on land located in the AAN District.

8.8.3 AAN District

This district shall be an overlay district and shall include parcels of land depicted on a map dated May 13, 2002 and entitled "Active Adult Neighborhood District," or any amendments thereto. This map is hereby adopted coincident with the adoption of this Bylaw. Development in an AAN District is subject to all provisions of the remainder of the Zoning Bylaw, except to the extent provided in Sections 8.8, ACTIVE ADULT NEIGHBORHOOD (AAN). Section 8.9, Inclusion of Affordable Housing, does not apply to the AAN District.

**Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 5/19/03.

8.8.4 Permitted Uses - There shall be permitted in any AAN:

8.8.4.1 Single-family DWELLINGS, single-family DWELLINGS with ACCESSORY APARTMENTS. For the purposes of this Bylaw, an ACCESSORY APARTMENT shall be considered a DWELLING UNIT; and

8.8.4.2 MULTI-FAMILY DWELLINGS that are designed to be consistent in character with the singlefamily DWELLINGS in the same development. Such MULTI-FAMILY DWELLINGS may be allowed, provided there shall be no more than four (4) DWELLING UNITS in any residential BUILDING; and

8.8.4.3 Accessory uses and structures incidental to principal uses indicated above.

8.8.5 Procedural Requirements

8.8.5.1 Any new AAN and any proposed modification of an AAN shall be allowed only by Special Permit from the Planning Board in accordance with MGL Ch. 40A, s.9, subject to the requirements, conditions and limitations contained herein and in the regulations adopted by the Planning Board.

8.8.5.2 AAN Regulations

The Planning Board shall adopt and maintain a set of regulations that contains the necessary policies, procedures, and requirements to implement the provisions of this Section.

8.8.5.3 Application for an AAN Special Permit

An application for an AAN Special Permit shall be submitted in writing that meets the requirements set forth herein and all other information that may be required by the Planning Board under its Rules and Regulations.

8.8.6 Dimensional Requirements - There shall be no minimum LOT area, FRONTAGE, FLOOR AREA RATIO, LOT width or YARD requirements within an AAN or for any LOT or BUILDING within an AAN except as provided in this section. However, an AAN shall comply with the applicable requirements of the Water Resource Protection and Flood Plain/Wetlands Districts. The Planning Board may impose appropriate additional conditions on the location, layout and size of BUILDINGS, STRUCTURES and OPEN SPACE.

An AAN shall be built according to the following dimensional standards:

8.8.7 Special Standards

8.8.7.1 No more than 66 on-site DWELLING UNITS maybe permitted under an AAN Special Permit. In no case shall the total number of DWELLING UNITS in the AAN Overlay District exceed six percent (6%) of the total number of single family DWELLING UNITS in the Town of Stow.

8.8.7.2 Access Roads and Driveways - In the event that the land that comprises an AAN is located in different zoning districts, it shall be a permitted use in each such zoning district not in the Active Adult Neighborhood Zoning District for roadways and driveways to. provide access to land and BUILDINGS in the Active Adult Neighborhood Zoning District.

8.8.7.3 Each DWELLING UNIT in an AAN shall have at least one separate ground floor entrance/exit, unless the Planning Board permits otherwise as part of its Special Permit. In addition, the Planning Board may establish design guidelines for AANs.

8.8.7.4 The Planning Board, in granting a Special Permit for an AAN, may impose reasonable conditions to protect the environment, and the health, safety and welfare of the neighborhood, of residents in the proposed development, and of the general public. Such conditions may include, but shall not necessarily be limited to, requirements for the tertiary treatment of wastewater effluent, the location of wastewater effluent disposal, and necessary limitations on the total number of DWELLING UNITS to prevent negative impacts on the groundwater and other existing or potential water resources.

8.8.7.5 DWELLING UNITS for Handicapped Persons - The Planning Board may require that some of the DWELLING UNITS be constructed so as to be suited for access and occupancy by a handicapped person or persons.

8.8.7.6 Performance Guarantee - Before the issuance of any building permits for the AAN, the petitioner shall agree to complete the required improvements specified in the decision, such construction and installation to be secured in accordance with performance guarantee requirements of the Town of Stow Rules and Regulations Governing the Subdivision of Land to the extent applicable and/or the regulations adopted pursuant to the Active Adult Neighborhood Bylaw for this purpose. Exceptions to the Regulations that may be adopted pursuant to this bylaw may be authorized by the Planning Board in granting a Special Permit hereunder, provided the Board determines such exceptions are in the public interest and are consistent with the purposes of Section 8.8 of the Bylaw.

8.8.7.7 Revisions and Amendments of an AAN Special Permit - Any change, which, in the sole opinion of the Planning Board, would alter the character of an AAN, including, but not limited to, an increase in number of total DWELLING UNITS within the AAN, an increase in the number of parking spaces, a decrease or cessation of any recreation amenities or similar use, structural change or alteration, shall require an amendment of the Special Permit or the filing of an application for a new Special Permit, as the Planning Board may determine:

8.8.7.8 Streets and Utilities - All streets and ways, whether public or private, wastewater disposal systems, drainage facilities, drinking water supplies, and utilities shall be designed and constructed in compliance with the Town of Stow Rules and Regulations governing the Subdivision of Land, as amended, whether or not the Active Adult Neighborhood is a subdivision.

8.8.8 Occupancy - Each DWELLING UNIT in an AAN shall be occupied by at least one person age fifty-five (55) or older.

8.8.8.1 Children under the age of eighteen (18) may not reside in a DWELLING UNIT located in an AAN for more than six (6) months in any nine (9) month period.

8.8.9 Occupancy Income Range - The AAN shall be designed to provide housing for occupants earning a broad range of incomes, as defined by the Commonwealth of Massachusetts Department of Housing and Community Development (DHCD) for the Town of Stow. At least 10% of the DWELLING UNITS shall be built, or otherwise provided in accordance with this Bylaw, to sell at a price affordable to low income and/or moderate income QUALIFIED AFFORDABLE HOUSING PURCHASERS and an additional 5% of the DWELLING UNITS shall be built to sell at a price affordable to middle income households, as defined by Executive Order 418 for the Town of Stow. All low income and moderate income and middle income DWELLING UNITS shall contain deed restrictions and comply with the provisions of MGL c. 184, s.31 as to resale price and shall provide for notice of any proposed resale and a right of first refusal to the Town of Stow, prior to any such sale.

A. Low income or moderate income DWELLING UNITS created under this section shall be restricted as such in perpetuity and comply with the provisions of MGL c.184, s.31. Middle income DWELLING UNITS created under this section shall be restricted as such in perpetuity and comply with

the provisions of the Regulations promulgated in accordance with this Section 8.8.

B. The Planning Board may approve compliance through using the following methods and provisions for AFFORDABLE DWELLING UNITS.

i. On-site location - If all AFFORDABLE DWELLING UNITS are to be constructed onsite, then 10% of the DWELLING UNITS shall be for low income or moderate income QUALIFIED AFFORDABLE HOUSING PURCHASERS.

ii. Off-site AFFORDABLE DWELLING UNITS - The developer may provide off-site AFFORDABLE DWELLING UNITS from existing Stow housing stock by the conveyance of land and/or building or by providing cash payments in lieu of DWELLING UNITS. If this option is chosen, at least half of the required 10% AFFORDABLE DWELLING UNITS shall be constructed on-site and 150% of the remaining AFFORDABLE DWELLING UNITS provided by one of the following approaches. In all cases, deed restrictions shall be placed on all DWELLING UNITS to provide for AAN restrictions and/or Low/Moderate income restrictions in perpetuity, as the Planning Board may determine.

a. Providing off-site DWELLING UNITS - Affordable off-site DWELLING UNITS may be located in an existing DWELLING UNIT, provided that the requirement that said DWELLING UNITS be designated as qualifying low or moderate income DWELLING UNITS under the Subsidized Housing Inventory compiled by the Department of Housing and Community Development (DHCD).

b. Conveyance of land and/or buildings - The Developer may donate to the Town of Stow or its designee, and the Town of Stow or its designee may accept land and/or buildings suitable for housing use. The developer shall document fee simple title ownership of said land and/or buildings or a legal right to purchase the same, at the time of application for a Special Permit. Such land and/or building shall have a current appraised fair market value no less than the value determined in accordance with the method below. Donations of land and/or buildings for said purchase shall be conveyed to the Town of Stow, or its designee and shall be used solely for purposes of providing AAN housing affordable to a QUALIFIED AFFORDABLE HOUSING PURCHASER.

c. Cash Payment - Cash payments may be made in lieu of the above options. The cash payment shall be determined by the following formula:

- Cash Payment - The number of required offsite units times 35% of the average sale price of new construction AFFORDABLE DWELLING UNITS.

- Incremental payments will be made in accordance with the AAN Rules and Regulations. Such cash payments shall be made payable to the Town of Stow. Such payments shall be reserved by the Town of Stow in a separate account, independent and distinct from the Town's general fund, and shall be used solely for the purpose of the creation or continuation of low income and moderate income housing

C. Restrictive documents - Each low income or moderate income DWELLING UNIT shall be rented or sold, subject to applicable deed covenants, contractual agreements and/or other mechanisms, restricting such features as the USE and occupancy, rent levels, and sales prices of such DWELLING UNITS to assure their affordability.

D. Resale controls - Each low income or moderate income DWELLING UNIT created in accordance with this Section 8.8 shall have limitations governing its resale that must be satisfied before its owners can sell the property. The purpose of these limitations is to preserve the long-term affordability of the DWELLING UNIT and to ensure its continued availability to low income or moderate income households. The resale controls shall be established through deed or lease restrictions or otherwise, subject to approval by the Planning Board, and shall be perpetual and in compliance with the provisions of MGL c. 184, s.31. The Town of Stow, through standard procedures provided by applicable state law, shall establish the resale controls in such a manner so as to be enforceable.

E. Resale Price - Resale price shall be determined at the time of issuance of a Special Permit, in accordance with existing laws that apply to resale of affordable units.

F. Right of first refusal purchase - The Planning Board shall include as a condition of a Special Permit approval, the requirement that the purchaser of an affordable housing DWELLING UNIT created as a result of this Bylaw shall agree to execute a deed rider prepared by the Town of Stow, granting, among other things, the Town of Stow's right of first refusal for a period of not less than one hundred and eighty (180) days to purchase the property or assignment thereof, in the event that despite diligent and documented efforts to sell the property, a subsequent qualified purchaser cannot be located. The offered price to the Town of Stow shall be the lesser value of the resale price, as determined in Paragraph 8.8.9 E above or the appraised value of the DWELLING UNIT determined by a Commonwealth of Massachusetts approved appraiser.

G. Rights and privileges - QUALIFIED AFFORDABLE HOUSING PURCHASERS shall have all rights, privileges and responsibilities given to owners or renters of market rate DWELLING UNITS, including access to all amenities within the development.

H. A Special Permit issued under this Bylaw shall include the provision that no building permit shall be issued in reliance on said Special Permit, unless and until the Town of Stow has received written correspondence from the Department of Housing and Community Development (DHCD) that the low or moderate income DWELLING UNITS, authorized as a result of the Special Permit, will be included in DHCD's Subsidized Housing Inventory of low income or moderate income housing DWELLING UNITS for the purposes of compliance with the provisions of Massachusetts General Laws Chapter 40B, §§ 20-23. The correspondence from DHCD must provide documentation that the low or moderate income DWELLING UNITS will be treated as if they were created pursuant to an application for a Comprehensive Permit and qualifying programs thereunder.

I. Purchaser/tenant selection - Procedures for the selection of purchasers and/or tenants shall be subject to approval by the Town of Stow or its designee.

J. Timing of commitments - All contractual agreements with the Town of Stow and other documents necessary to ensure compliance with this Section

shall be executed prior to and as a condition of the issuance of any Special Permit required to commence construction.

K. Timing of construction - As a condition of the issuance of a Special Permit under this Section, the Planning Board may set a time schedule for the construction of both low income or moderate income and market-rate DWELLING UNITS. No Certificate of Occupancy shall be issued for any market-rate DWELLING UNIT in a development, subject to the requirements of this Section, until there have been issued Certificates of Occupancy for low income or moderate income DWELLING UNITS in an amount equal to the percentage of low income or moderate income UNITS, which are to be constructed in the development or provided off-site.

L. The above provisions apply to all on-site, off-site, buildings and existing housing stock made affordable with AAN provided funds.

8.8.10 Planning Board Action

8.8.10.1 In evaluating the proposed AAN, the Planning Board shall consider the general objectives of this bylaw and of AAN in particular: the existing and probable future development of surrounding areas, the appropriateness of the proposed layout, the configuration, and use of the OPEN SPACE in relation to the characteristics of the tract of land in question. The Planning Board may grant a Special Permit for an AAN if it finds that the AAN meets the purposes of this Bylaw as set forth herein:

A. meets the intended purposes of this bylaw as set forth herein;

B. provides a useful addition to the housing inventory of Stow;

C. protects and enhances the rural character and environment of Stow;

D. provides OPEN SPACE which is of a size, shape and location and has adequate access so as to benefit the town and the residents of the AAN;

E. is appropriate to the natural terrain of the tract of land to be developed;

F. provides for the convenience and safety of vehicular and pedestrian movement in the development in a manner that is compatible with the narrow, tree-lined country roads of Stow;

G. the application sets forth a specific plan for maintenance of all common facilities including but not limited to waste disposal and drainage facilities, roadways and other improvements to be constructed in an AAN; .

H. will result in the creation of DWELLING UNITS that count toward the Town's "quota" requirements as established by G.L. c.40B, s.20-23;

I. complies with all other legal requirements for a Special Permit and the Zoning Bylaw, including those for an AAN; and

J. is consistent with the Stow Master Plan or succeeding plan, as amended.

8.8.10.2 The Planning Board shall consider the recommendations of the Board of Health, the Conservation Commission and the Town's consulting engineer, and other Boards, Departments and experts, in making said findings.

8.8.10.3 The Planning Board may require changes to the "AAN Site Plan" and impose additional conditions, safeguards and limitations, as it deems necessary, to secure the objectives of this Bylaw.

8.8.11 The provisions of this Bylaw are severable from each other and the invalidity of any provisions or section shall not invalidate any other provision or section thereof.

**Webmasters Note: The previous section 8.8 has been added as per Case No. 2191 from town meeting dated 6/6/02.

Sudbury

Does zoning include any provisions for housing that is restricted by age?

Yes

Multifamily units restricted by age are allowed by special permit in districts (Single Residence A (A-RES), Single Residence C (C-RES), Wayside Inn Historic Preservation (WI), Limited Business District (LBD), and Reseacher District (RD)). Provision of housing for seniors is another reason why Sudbury has developed "SINGLE ACCESSORY DWELLING UNITS IN RESIDENCE DISTRICTS" bylaw.

The Land Use Ordinance of Sudbury (Town of)
MIDDLESEX COUNTY, SUDBURY MASSACHUSETTS
SUDBURY ZONING BYLAW
April 2001

ARTICLE 5000. ALTERNATIVE RESIDENTIAL REGULATIONS

5300. SENIOR RESIDENTIAL COMMUNITY.

5310. Purpose. The purposes of the Senior Residential Community Special Permit are to provide alternative housing for a maturing population; to provide a type of housing which reduces residents' burdens of property maintenance and which reduces demands on municipal services; and to promote flexibility in land use planning in order to improve site layouts, protection of natural features and environmental values and utilization of land in harmony with neighboring properties.

5320. Applicability. The Planning Board, acting as Special Permit Granting Authority, may grant a Special Permit for construction of a Senior Residential Community (SRC) and accessory structures, in the following districts: Single Residence "A", Single Residence "C", the Wayside Inn Historic Preservation, Limited Business, Village Business and Research Districts.

5330. Standards. The following standards shall apply to all Senior Residential Communities:

5331. Tract Qualifications. At the time of granting a special permit by the Planning Board, the property under consideration for a SRC shall be located on one or more contiguous parcels, whether or not separated by a public or private way, with definite boundaries ascertainable from a recorded deed or recorded plan, having an area of at least 20 acres.

5332. Age Qualification. A SRC shall constitute housing intended for persons of age fifty-five or over within the meaning of M.G.L. c151B, S4, 16 and 42 USC S3607(b)(2)(c), and in accordance with the same, one hundred percent (100%) of the dwelling units in a Senior Residential Community shall each be owned and occupied by at least one person fifty-five (55) years of age or older per dwelling unit, and such development shall be operated and maintained in all other respects in compliance with the requirements of said statutes and regulations promulgated pursuant thereto. In the event of the death of the qualifying owner/occupant(s) of a unit, or foreclosure or other involuntary transfer of a unit in a SRC, a two-year exemption shall be allowed for the transfer of the unit to another eligible household.

5333. Applicant Qualifications. The applicant for a Special Permit for a SRC shall be the owner of the tract proposed for such development or be authorized in writing by the owner to apply for and be issued such Special Permit, and shall establish to the satisfaction of the Planning Board that the applicant has knowledge, experience and financial resources sufficient to construct and complete the development.

5334. Number of Dwelling Units Permitted. The maximum number of dwelling units in a SRC shall be computed based on the number of buildable lots permitted under a conventional subdivision, with each lot satisfying minimum lot area, frontage and all other applicable zoning regulations for which district the parcel is located within, possessing suitable soils as determined by the Board of Health, and sufficient upland, buildable area to sustain a single family home. In Village Business Districts and Research Districts, a minimum lot area of 40,000 sq. ft. and minimum frontage requirement of 180 feet shall be used to calculate each buildable lot. For the purposes of this section, minimum lot area in every district shall contain no more than 25% which is underwater land or wetland resource as defined in G.L. c. 131,

s.40, or in the Sudbury Wetlands Administration Bylaw. For each buildable lot calculated, a maximum of five (5) bedrooms shall be permitted. The number of bedrooms shall determine the number of units, pursuant to section 5336 below, with the maximum number of bedrooms in any unit being less than or equal to 3.

5335. Perimeter Buffer. A 100-foot wide buffer between a SRC and abutting properties is required around the entire SRC perimeter; provided, however, that access roads and pedestrian paths may cross the buffer at the discretion of the Planning Board, and the Planning Board may otherwise reduce the width of the buffer to no less than 50 feet at appropriate locations, taking into account the character or open space use of abutting properties or the existence or requirement of buffer thereon. The perimeter buffer shall remain in a natural state to preserve the visual character of the parcel being developed. The perimeter buffer may be included in Open space computations.

5336. Building and Dwelling Unit Requirements. The following requirements shall apply to all buildings and dwelling units in a Senior Residential Community:

- a. Dwelling units can be attached, or detached as single units, or a combination of these types.
- b. Dwelling Units Per Building. No building shall contain more than four dwelling units.
- c. Maximum Height. No building constructed in a SRC shall exceed 35 feet in

height.

d. Maximum Number of Bedrooms. No dwelling unit constructed in a SRC shall contain more than three bedrooms. No more than ten percent (10%) of the total units in a SRC shall have fewer than two bedrooms.

5337. Accessory Buildings and Structures. In a SRC, accessory buildings and structures may be permitted, including clubhouse, swimming pool, tennis court, cabanas, storage and maintenance structures, garages, and other customary accessory structures. Accessory buildings and structures shall be shown on the Site Plan.

5338. Parking. Two parking spaces shall be provided for each dwelling unit (with the exception of one bedroom units, which shall require one parking space per unit), in reasonable proximity to the dwelling, or in garages. Additional parking in proximity to any clubhouse or other facility serving residents in common, or guest

parking, shall be provided in off-street parking areas, provided that no single accessory parking area shall contain more than twelve parking spaces, and all such areas shall be adequately landscaped.

5339. Private Roads. Roads and driveways within a SRC shall meet such width, grades, radius of curvature and construction standards as the Planning Board shall determine, based upon the standards provided in the regulations governing subdivisions, as the same may be waived or modified by the Planning Board to meet site conditions and design requirements.

5339A. Other Facilities. All facilities for utility services, drainage, lighting and signage shall be in accordance with requirements established by the Planning Board, consistent with applicable provisions of the Zoning Bylaw and the regulations governing subdivisions, as the same may be waived or modified by the Planning Board to meet site conditions and design requirements.

5339B. Project Maintenance. In every SRC there shall be an organization of the owners of the dwelling units which shall be responsible for the maintenance and repair of internal roads and driveways, snow plowing, landscape maintenance, trash removal, utility services and maintenance and repair of other common elements and facilities serving the residents, and the Town of Sudbury shall not be responsible therefor.

5339C. Wastewater Disposal. In every development wastewater disposal comply with the regulations of the Sudbury Board of Health, the Sudbury Water Resource Protection District and Wastewater Treatment Facilities Bylaws, and applicable Department of Environmental Protection regulations.

5340. Open Space. At least 25% of the upland area of the parcel shall be Open Space. No development, including clearing, primary or accessory structures, parking, wastewater disposal or stormwater management, shall take place within the 100-foot buffer area of any jurisdictional wetland, unless authorized by the Conservation Commission. Upon approval of the Conservation Commission, the buffer area may be reconfigured to provide better protection of resources on the site if such reconfiguration achieves a similar goal of resource protection; however, in no event shall the total area of the 100-foot buffer be reduced without compensation in an equal amount elsewhere on the site. The open space areas shall be selected to maximize the value of wildlife habitat, shall be contiguous to the extent required to preserve significant habitat, and shall be configured to minimize the perimeter to surface area ratio in order to preserve large blocks of undisturbed land. The open space shall be left in an undisturbed, natural state. Landscape plantings shall not be permitted, except in areas where revegetation may be necessary to increase buffering, as determined

by the Planning Board. If revegetation of any area is within the jurisdiction of the Conservation Commission, the Commission shall determine the type and extent of plantings, to be compatible with the values and functions of the wetland and upland resources of the site.

5341. Ownership of Open Space. The open space shall be owned in common by the owners of the dwelling units in the SRC, or by an organization or entity owned and controlled by such dwelling unit owners, or can be offered to the Town, or another non-profit organization whose principal purpose is the preservation of open space, for conservation purposes. An enforceable restriction shall be recorded on all open space parcels providing that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking, roadway or active recreation.

5350. Design Criteria. All buildings in a SRC shall be designed (a) to have compatibility of style, building materials and colors with those in Sudbury, (b) to afford variations of facade and roof lines, and interior layouts of dwelling units, (c) so as not to have any dwelling unit extend under or over another dwelling unit in the same building and (d) to comply with requirements of law with respect to housing intended for persons of age fifty-five and over.

The Planning Board may utilize the skills of the Design Review Board, or may appoint a committee, to review the architectural details and styling of the buildings prior to approval of a SRC.

5351. Interrelationship of Buildings. The proposed buildings shall be related harmoniously to each other with adequate light, air, circulation, privacy and separation between buildings. Buildings shall comply with a minimum setback of twenty (20) feet from each other and all other structures in the development.

5400. INCENTIVE SENIOR DEVELOPMENT.

5410. Purpose. The purposes of the Incentive Senior Development Special Permit are to provide a more affordable means of housing for a maturing population; to provide a type of housing which reflects the senior population desire to reduce residents' burdens of property maintenance; which provides a type of development which reduces demands on municipal and educational services; and to promote flexibility in land use planning in order to improve site layouts, protection of natural features and environmental values and utilization of land in harmony with neighboring properties.

5420. Applicability. The Planning Board, acting as Special Permit Granting Authority, may grant a Special Permit for construction of an Incentive Senior Development and accessory structures, in the following zoning districts: Single Residence "A", Single Residence "C", Limited Business, Village Business and Research District.

5430. Standards. The following standards shall apply to all Incentive Senior Developments:

5431. Tract Qualification. At the time of granting a special permit by the Planning Board, the property under consideration for an Incentive Senior Development shall be located on a contiguous parcel, not separated by a public or private way, with definite boundaries ascertainable from a recorded deed or recorded plan, having an area of at least 10 acres. For parcels greater than 20 acres, parcels may be separated by a private or public way.

5432. Age Qualification. An Incentive Senior Development shall constitute housing intended for persons of age fifty-five (55) or over within the meaning of M.G.L. c151B, §4, ¶6 and 42 USC §3607(b)(2)(c), and in accordance with the same, one hundred percent (100%) of the dwelling units in an Incentive Senior Development shall each be owned and occupied by at least one person fifty-five (55) years of age or older per dwelling unit, and such development shall be operated and maintained in all other respects in compliance with the requirements of said statutes and regulations promulgated pursuant thereto. In the event of the death of the qualifying owner/ occupant(s) of a unit, or foreclosure or other involuntary transfer of a unit in such a development, a two-year exemption shall be allowed for the transfer of the unit to another eligible household.

5433. Applicant Qualifications. The applicant for a Special Permit under the provisions of this section shall be the owner of the tract proposed for such Development or be authorized in writing by the owner to apply for and be issued such Special Permit, and shall establish to the satisfaction of the Planning Board that the applicant has knowledge, experience and financial resources sufficient to construct and complete the Development.

5434. Number of Dwelling Units Permitted. The maximum number of dwelling units shall be computed based on the number of buildable lots permitted under a conventional subdivision, with each lot satisfying minimum lot area, frontage and all other applicable zoning regulations, possessing suitable soils as determined by the Board of Health, and sufficient upland, buildable area to sustain a single family home. In Village Business Districts, Limited Business Districts and Research Districts, a minimum lot area of 40,000 sq. ft. and minimum frontage requirement of 180 feet shall be used to calculate each buildable lot. For the purposes of this section, minimum lot area in every district shall contain no more than 25% of land which is underwater land or wetland resource as defined in G.L. c. 131, s. 40 or in the Sudbury Wetlands Administration Bylaw. For each buildable lot calculated, a maximum of 4 units shall be permitted to be constructed.

5435. Building and Dwelling Unit Requirements. The following requirements shall apply to all buildings and dwelling units in an Incentive Senior Development:

- a. Dwelling units can be attached or detached, or a combination of these types.
- b. No building shall contain more than four dwelling units.
- c. No dwelling unit constructed in an Incentive Senior Development shall contain more than two (2) bedrooms. No more than ten percent (10%) of the total units in an Incentive Senior Development shall have fewer than two bedrooms.

d. Accessory Buildings and Structures. Accessory buildings and structures may be permitted, including clubhouse, swimming pool, tennis courts, cabanas, storage and maintenance structures, garages, and other customary accessory structures, however, any common facilities or structures must be constructed on land owned in common by the owners of the dwelling units in the development, or by an organization or entity owned and controlled by such dwelling unit owners. Accessory buildings and structures shall be shown on the development plan, and may not be constructed within any minimum open space required herein.

e. Interrelationship of Buildings. The proposed buildings shall be related harmoniously to each other with adequate light, air, circulation, privacy and separation between buildings. Buildings shall comply with a minimum setback of twenty (20) feet from other structures in the development.

5436. Parking. Two parking spaces shall be provided for each dwelling unit (with the exception of one-bedroom units, which shall require one parking space per unit), in reasonable proximity to the dwelling, or in garages. Additional parking in proximity to any clubhouse or other facility serving residents in common, or guest parking, shall be provided in off-street parking areas, provided that no single accessory parking area shall contain more than twelve parking spaces, and all such areas shall be adequately landscaped. The Planning Board may authorize a decrease in the number of parking spaces up to 30% of the total number required. The reserved spaces shall be set aside and shall not be intended for immediate construction, but shall be properly designed as an integral part of the overall parking layout. Such spaces shall be labeled as "Reserve Parking" on the plan.

5437. Roadways. Roads and driveways within the development shall meet such width, grades, radius of curvature and construction standards as the Planning Board shall determine, based upon the standards provided in the regulations governing subdivisions, as the same may be waived or modified by the Planning Board to meet site conditions and design requirements.

5438. Other Facilities. All facilities for utility services, drainage, lighting and signage shall be in accordance with requirements established by the Planning Board, consistent with applicable provisions of the Zoning Bylaw and the regulations governing subdivisions, as the same may be waived or modified by the Planning Board to meet site conditions and design requirements.

5439. Project Maintenance. In every development there shall be an organization of the owners of the dwelling units which shall be responsible for the maintenance and repair of common elements and facilities owned by and serving the residents of the development, and the Town of Sudbury shall not be responsible therefore.

5439A. Wastewater Disposal. In every development wastewater disposal shall comply with the requirements of the Sudbury Board of Health, the Sudbury Water Resources and Wastewater Bylaws, and applicable Department of Environmental Protection regulations.

5440. Open Space. Open Space requirements shall be set forth according to the acreage of the parcel, as follows:

[Insert Table]

No development, including clearing, primary or accessory structures, parking, wastewater disposal or stormwater management, shall take place within the 100-foot buffer area of any jurisdictional wetland, unless authorized by the Conservation Commission. Upon approval of the Conservation Commission, the buffer area may be reconfigured to provide better protection of resources on the site if such reconfiguration achieves a similar goal of resource protection; however, in no event shall the total area of the 100-foot buffer be reduced without compensation in an equal amount elsewhere on the site.

The open space areas shall be selected to maximize the value of wildlife habitat, shall be contiguous to the extent required to preserve significant habitat, and shall be configured to minimize the perimeter to surface area ratio in order to preserve large blocks of undisturbed land. The open space shall be left in an undisturbed, natural state. Landscape plantings shall not be permitted, except in areas where revegetation may be necessary to increase buffering, as determined by the Planning Board. If revegetation of any area is within the jurisdiction of the Conservation Commission, the Commission shall determine the type and extent of plantings, to be compatible with the values and functions of the wetland and upland resources of the site.

5441. Ownership of Open Space. The open space shall be owned in common by the owners of the dwelling units in the development, or by an organization or entity

owned and controlled by such dwelling unit owners, or can be offered to the Town, or another non-profit organization whose principal purpose is the preservation of open space, for conservation purposes. An enforceable restriction shall be recorded on all open space parcels providing that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking, roadway or active recreation.

5442. On smaller parcels where conveyance of the open space property is not valuable to the Town or a conservation organization, the required open space as calculated above may be left in the control of the owners of the dwelling units in the development without the granting of a conservation restriction or other perpetual easement, with a notation on the Plan that such property is not available for construction of any structures and removal of vegetation is prohibited.

5450. Price Restrictions. Units developed under this Bylaw shall be sold and resold at no more than 2 times the cost for the sale of 2 bedroom detached or attached homes, whichever is applicable, under the Department of Housing and Community Development guidelines for the Local Initiative Program, or other state or federal affordable housing program that determines purchase price for housing units in the Boston area (plus 25%). Condominium fees are excluded in the cost per unit calculation.

5451. Enforcement of Sale and Resale Provisions. Original purchase and resale prices shall be permanently restricted, to the extent legally permissible, to ensure long-term affordability. Sale and resale provisions shall be contained in applicable deed restrictions, covenants, contractual agreements such as limited equity provisions, condominium association Bylaws and/or other mechanisms to ensure compliance. Such restrictions shall not be permitted to be altered without consent of the Town of Sudbury. Annual reporting to the Planning Board is required for all units sold or resold.

5500. SINGLE ACCESSORY DWELLING UNITS IN RESIDENCE DISTRICTS.

5510. Purpose. The existing development patterns of the Town have resulted in conditions which make it difficult for our parents, our children, and persons of low and moderate income to find suitable housing within the Town. The special regulations contained in this section have been enacted for the purpose of permitting the creation of a limited number of housing units suitable for occupancy by such persons, while ensuring compliance with the local planning standards and policies concerned with land use, building design, and requirements of the health, safety, convenience and general welfare of the inhabitants of the Town.

5520. Conditions and Requirements. An owner or owners of a single family dwelling in Single Residence District "A", "C" or Wayside Inn Historic Preservation Zone may apply to the Board of Appeals for a Special Permit for the creation and occupancy of a single accessory dwelling unit in a detached single family dwelling. Such application shall be accompanied by the application fee established by the Board of Appeals. After such notice and public hearing, and after due consideration of the report of the Board of Health, (and the Historic Districts Commission, where applicable), the Board of Appeals may grant such Special Permit provided that each of the following conditions and requirements is met:

5521. Occupancy

a. Such unit shall be occupied by not more than four persons related by blood, adoption or marriage to the family owning and residing in the principal dwelling; or

b. Such unit shall be occupied by not more than two domestic employees of the family owning and residing in the principal dwelling; or

c. Such unit shall be occupied by a low or moderate income family with income not to exceed 80% of the regional median household income established in the Local Initiative Program Guideline of the Executive Office of Communities and Development (as the same may be amended from time to time).

5522. The accessory dwelling unit shall be located within the single family dwelling or its attached accessory structures in substantially the same size as they existed on the day of adoption of this section or, for single family dwellings not in existence on such day of adoption, as they have existed for five years prior to the application for such Special Permit. Such status shall be verified in the records of the Building/Inspection Department. A single family dwelling shall be deemed to comply with the requirements of this subsection if any alteration or enlargement thereof subsequent to said day of adoption or within the said five year period does not increase the floor area of said dwelling, as hereinafter defined, by more than fifty (50) square feet. For dwellings in existence on the day of adoption which have been increased in floor area by more than fifty (50) square feet subsequent to the day of

adoption, no special permit hereunder may be issued until after the expiration of five years from the last such alteration or enlargement. On request of the applicant, the Board of Appeals may waive all or a portion of any applicable five year period if it finds that such waiver will further the purposes of this section.

5523. The accessory dwelling unit shall be a use incidental to the single family dwelling, shall contain no more than 1,200 square feet, and shall occupy no more than 30% of the floor area of the single family dwelling and its attached accessory structures. Floor area is defined herein as the actual heated living area and does not include unfinished basements, attics, or storage spaces.

5524. There shall be no more than one single accessory dwelling unit per building lot.

5525. The owner of the dwelling in which the single accessory dwelling unit is created shall reside in the dwelling, either in the principal dwelling unit or the accessory dwelling unit. If the owner resides in the accessory dwelling unit, occupancy of the principal dwelling unit must be by persons satisfying the relationship or income criteria herein. For the purpose of this subsection, the "owner" shall be one or more individuals who constitute a family, who hold title to the dwelling, and for whom the dwelling is the primary residence for voting purposes. If the lot on which the single accessory dwelling unit is to be located is owned by the Town of Sudbury, the owner-occupancy requirement of this subsection shall not be applicable as long as the lot and the structures thereon continue to be owned by the Town of Sudbury.

5526. Adequate provision shall be made for the disposal of sewage, waste and drainage generated by the occupancy of the single accessory dwelling unit in accordance with all requirements of the Board of Health.

5527. The creation and occupancy of the single accessory dwelling unit shall not be detrimental to the neighborhood in which the lot is located or injurious to persons or property.

5528. Exterior appearance of a dwelling with a single accessory dwelling unit - The single accessory dwelling unit shall be designed so that the appearance of the structure remains that of a single family dwelling, subject further to the following conditions and requirements:

- a. All stairways to upper floors shall be enclosed within the exterior walls of the dwelling.
- b. There shall be no enlargements or extensions of the dwelling in connection with a single accessory dwelling unit except for minimal additions necessary to comply with building, safety or health codes, or the enclosure of an entryway or stairway.
- c. Any new exterior entrance shall be located on the side or in the rear of the dwelling.

5529. Off-Street Parking. There shall be at least two off-street parking spaces for the principal dwelling unit and at least one off-street parking for the single accessory dwelling unit. No parking spaces shall be located within the boundary of a street right of way. In no case shall parking spaces which are more than two spaces deep be considered in computing the required parking.

5530. Special Provisions for Low or Moderate Income Units. In order to facilitate the creation of affordable housing units in Sudbury which will count toward the ten percent statutory goal (G.L. c. 40B, s. 20), all applicants for a special permit for a unit to be occupied by a low or moderate income family shall be furnished with copies of the regulations and guidelines of the Massachusetts Executive Office of Communities and Development for approval of such unit as an affordable housing unit for purposes of the statutory goal. Such regulations and guidelines shall include those of the Local Initiative Program and any other program designed to promote the creation of certifiable affordable housing units. After issuance of a Special Permit for a low or moderate income unit which is to be occupied and operated in accordance with any of such programs, the Board of Selectmen shall make application to the Department of Housing and Community Development for certification of the unit as an affordable housing unit includable in the Town's inventory of low and moderate income housing for the purposes of G.L. c. 40B. Such application may, at the discretion of the Board of Selectmen, be made prior to actual issuance of the Special Permit.

5550. Number of Accessory Dwelling Units. The number of accessory dwelling units permitted under this bylaw shall not exceed five percent of the total number of single-family residences existing in the Town at the beginning of the year in which the application was filed.

Sutton

Does zoning include any provisions for housing that is restricted by age?

Yes

According to the table of uses, CCRC is allowed by special permit from the Planning Board in all districts.

Town of Sutton Zoning Bylaw 2003

Section IV. Special Regulations Q. Continued Care Retirement Community

Section 1 – Intent and Applicability

The intent of this section is to allow flexibility in development of parcels for housing and related services for retired and aging persons, with particular interests in meeting the needs of residents of Sutton. Continued Care Retirement Communities (CCRC), as defined herein, may be allowed upon grant of a Special Permit from the Planning Board.

Section 2 – Definition

As used in this bylaw, Continued Care Retirement Community (CCRC) shall mean a development on a parcel of five (5) acres or more which may be comprised of any type or combination of dwelling units as defined herein. Said development may include independent housing, congregate housing, assisted living and restorative care/skilled nursing facilities. A CCRC shall operate under common management serving the principal purpose of assisting the elderly in maintaining an independent lifestyle. Said development shall be limited to persons at least one of whom in each household shall have attained an age of fifty-five (55) years. No persons under the age of eighteen (18) shall be allowed to permanently reside in said dwellings. The program of in house resident services offered by a CCRC shall be primarily for the benefit of residents and their guests and shall include a majority of the following:

- Restorative care/skilled nursing
- Transportation services
- Financial assistance
- Barber/beautician
- Medical evaluation/health care maintenance
- Home health
- Assisted care
- Adult day care and respice care services
- Food services
- Cleaning services
- Exercise, recreational, educational and social services
- Other services, activities and accessory uses incidental to the operation of a continued care development as individually approved at the discretion of the Planning Board.

In house services may only be provided to residents and their guests and may not display exterior advertising. The program of in house services offered by the CCRC shall be specified in the special permit application and the scale of each service shall be in proportion to the number of dwelling units in the CCRC and subject to approval by the Planning Board.

Section 3 – Types of dwellings and facilities permitted

The Planning Board may grant a Special Permit to allow a CCRC in any zoning district. A Special Permit granted by the Planning Board may allow the construction of detached or attached dwellings of any combination, and may also allow the construction of a restorative care center/skilled nursing facility/clinic, congregate housing, assisted living facility and accommodation for in house resident services. All facilities shall fully comply with standards of the Architectural Access Board. Enclosed or non-enclosed walkways connecting buildings shall be permitted.

Independent Living Retirement Housing - As used in this bylaw, independent Living Retirement Housing means private residential dwelling units, individually equipped with a minimum of a kitchen, bedroom, bathroom and living area. Geared toward independently functioning adults, this housing typically may offer on-site supportive services and is designed to be barrier free and may include emergency call features complemented by housing management and maintenance services.

Congregate Housing – As used in this bylaw, Congregate housing means private dwelling units /apartments which may have kitchen facilities within a complex containing central dining and other common areas and is designed for an adult population requiring some supportive services including but not limited to meals, housekeeping, home health, and other supportive services. Congregate Housing under this section of the bylaw must obtain all required permits and/or licenses that are required to operate such facility by any department of the United States of America, the Commonwealth of Massachusetts and the Town of Sutton.

Assisted Living Facility – As used in this bylaw, as Assisted Living Facility means a twentyfour(24) hour staff along with private dwelling units which may contain independent efficiency kitchens, but which contain common kitchen, dining and other activity areas. Assisted Living facilities are geared to an adult population which may have difficulty functioning independently and may require oversight including, but not limited to the provision of a full meal plan, transportation services, personal care and assistance with medications. Special care programs specifically designed for adults with memory loss are included in this category. Assisted Living facilities under this section of the bylaw must obtain all required permits and/or licenses required to operate such facility by any department of the United States of America, the Commonwealth of Massachusetts including Certification by the Executive Office of Elder Affairs pursuant to M.G.L., Chapter 19D and the Town of Sutton.

Restorative Care/Skilled Nursing Facility - Includes any institution which provides services primarily to three or more individuals admitted thereto with long-term nursing, convalescent or rehabilitative care; supervision and care incident to old age; or retirement home care for elderly persons and includes services provided by nursing homes, convalescent homes, long term care facilities, rest homes, infirmaries for older adults, charitable homes for the aged. Restorative care/Skilled nursing facilities under this section of the bylaw must obtain all applicable permits and licenses required by any agency of the United States of America, the Commonwealth of Massachusetts and the Town of Sutton.

Dwelling Units – One or more living or sleeping rooms arranged for the use one or more individuals living as a single housekeeping unit with individuals

or congregate cooking, living, sanitary and sleeping facilities, excluding mobile homes and trailers. The intent of this definition is to define a "home" with private sleeping rooms rather than a dormitory arrangement of sleeping quarters.

Section 4 – Specific Requirements

A CCRC as provided herein shall also be subject to the following specific requirements.

Frontage & Acreage: The minimum contiguous road frontage for any project developed under this bylaw shall be 100'. Said frontage shall be on a public way.

The minimum acreage of a project developed under this bylaw shall be 5 acres.

Density, Affordability & Preference: The maximum number of dwelling units permitted shall be determined as follows:

- Single family detached – ½ acre per dwelling unit
- Duplex to 4 units - 20,000 s.f. + 12,000 per dwelling unit
- Congregate housing, assisted living, restorative care/skilled nursing. - 10 dwelling/care units per acre

Ten percent (10%) of the dwelling units in the Continued Care Retirement Community shall be available to and permanently affordable for households earning less than or equal to 80% of the median income for Worcester County. An increase in the number of units of up to twenty percent (20%) of the maximum dwelling units allowed may be permitted on a one to one basis for units above and beyond the required ten percent (10%). The Planning Board shall require that the developer provide legally enforceable assurances, which are acceptable to the Planning Board that the affordable dwelling units will continue to be affordable in perpetuity. Affordable units shall be dispersed throughout the development and shall be indistinguishable from market rate units.

Except for restorative care/skilled nursing facilities, individual dwelling units shall be a minimum of 1,000 s.f. Care units in restorative care/skilled nursing facilities shall be a minimum of 700 s.f. Dwelling units shall have a maximum of 2 bedrooms. The developer shall provide a plan and evidence their efforts to attract existing Sutton residents to the project.

Setback & Height: All dwelling units and group facilities shall be setback from property lines a minimum of 70 feet. This setback is intended to remain in a vegetated state. Where alterations to this area are determined necessary by the Planning Board, the Board may require fencing, plantings or other means to make this setback a visual buffer to abutting properties. Minimum separation between structures is 35'. The maximum height of any structure within a CCRC shall be 3 stories and 35 feet in height.

Coverage & Open Space: Lot coverage for building footprints shall not exceed 25% and for all impervious surfaces shall not exceed 50% of the total parcel.

area shall be wetlands or contain infrastructure facilities such as detention basins. Said open space may contain active and passive recreational and social facilities and uses as approved by the Planning Board.

The Open Space shall be protected by a recorded restriction enforceable by the Town of Sutton.

Section 5 – Other Objectives

The Following objectives are important in the development of CCRC and are to be considered by the Planning Board in determining whether to grant a Special Permit for a CCRC.

- a. It is desirable to minimize maintenance costs and environmental impacts through reduction, to the extent reasonable, in the amount of impervious areas, utilities and drainage systems per dwelling unit served.
- b. It is desirable to increase the size of contiguous areas assured of preservation in a natural state and the number of off-street pathways and trails, recreational areas and wilderness areas open to all residents of the CCRC.
- c. It is desirable that all existing scenic vistas be respected and preserved and that new scenic vistas be created.
- d. It is desirable to increase vehicular safety by having fewer, better located and designed egresses onto existing streets.
- e. It is desirable to preserve environmental quality by reduction of 1) the total area over which vegetation is disturbed by cut, fill or displacement; 2) work on slopes over 15%; 3) work in the buffer area and river way protection areas as defined by M.G.L.,

Chapter 131f. It is desirable that the design of dwellings and facilities be sensitive to the traditional architectural styles in the area of the development and that building mass and siting is

carefully considered to reduce the impact of the development on the natural landscape.

carefully considered to reduce the impact of the development on the natural landscape.

Section 6 – Application and Submission Requirements

The general procedure to obtain a Special Permit from the Planning Board for a continued care development shall conform to M.G.L. Chapter 40A §9.

A. Application – 2 originals Special Permit Application

B. Plans – 12 sets to include existing and proposed site plan, road profiles, open space and landscaping plan, elevations (detailing color and materials), floor plans, detail sheets related to previous plans. Said plans shall meet the specific requirements as detailed in the Town of Sutton Site Plan Review Bylaw and Subdivision Rules and Regulations.

C. Fees – Filing fee - \$1,000 + \$50 per dwelling unit with a minimum of \$1,500 and maximum of \$15,000, will be required at the time of submission. The applicant must also submit a check covering the cost of the legal ad and the certified mailings at the time of submission. Five hundred dollars (\$500) will be deducted from the filing fee to cover costs for staff review of the plans, all billings received from the Town's consultants will be deducted from the filing fee. If the billings exceed the amount of the filing fee, the Town will bill the applicant for the difference. All bills must be paid prior to action on the project. If monies are left after all fees and billings are paid, any excess funds will be returned to the applicant. The applicant will be responsible for all reasonable fees or costs incurred in reviewing such plans. The Planning Board is authorized to retain a registered professional engineer, architect, landscape architect, attorney or other professional consultant to review and advise the Board on any or all aspects of the plan and/or related documents.

Senior Services Fee – As it is likely that many of the residents of the CCRC will utilize services supported by the Sutton Senior Center, a one time fee of \$100 per unit shall be required to be paid to the Sutton Senior Center prior to issuance of a building permit. Said fee shall be used to on and off site support services available to seniors through the Sutton

Senior Center.

D. Support Material – The applicant shall provide a traffic study and impact statement as detailed in the Town of Sutton Site Plan Review Bylaw.

Section 7 – Waivers

The Board may waive strict compliance with any provision of this bylaw if it deems it in the public interest and determines that the intent of the bylaw has been maintained. Written record must be kept of such waivers including the reasons for them.

Section 8 – Conditions

The Planning Board may impose reasonable conditions to safeguard the surrounding area, or otherwise serve the purpose of the bylaw.

Section 9 – Appeals

Any appeal to the Planning Board’s decision under this section of the bylaw may be made in accordance with M.G.L., Chapter 40A §17.

Swampscot *Does zoning include any provisions for housing that is restricted by age?*

No

Swansea *Does zoning include any provisions for housing that is restricted by age?*

No

Taunton *Does zoning include any provisions for housing that is restricted by age?*

No

Tewksbury *Does zoning include any provisions for housing that is restricted by age?*

Yes Multifamily housing for persons over 55 is listed as allowed in the multifamily district, multifamily district/ over 55 and the commercial district. Town of Tewksbury Zoning Bylaw, Appendix A, Table of Use Regulations (Last Amended 2004).

7200. MULTIPLE FAMILY DWELLINGS IN THE MFD/55.

7210. Purpose.

This section is intended to regulate the development of multiple family dwellings by establishing eligibility requirements and reasonable conditions for construction in the MFD/55. This section is not intended to supersede, modify or conflict with the powers and duties delegated to the Planning Board pursuant to the Subdivision Control Law, M.G.L. c. 41, s. 81K 81GG.

7220. Special permit required.

Multiple family dwellings will be permitted only upon the issuance of a special permit by the Planning Board. The following eligibility standards apply:

7221. Where proposed for multiple family dwellings; the site shall have a minimum lot area of 12 acres with the 150 feet of frontage on a public way. By special permit, the Planning Board may vary the requirement of 150 feet of frontage on a public way to not less than 40 feet of frontage on a public way provided that a suitable private access road into the site area can be constructed with the reduced frontage. These provisions shall not apply to the development of single family dwellings.

7222. Such multiple family dwellings for persons over the age of 55 may also be authorized by special permit in the Commercial District and the Multiple Family District.

7230. Application.

An application for a special permit shall be filed in accordance with the regulations set forth in Section 9300.

7240. Parking.

Provision shall be made for not less than two (2) parking spaces per unit, one (1) of which shall be completely enclosed. Detached parking garages will be permitted and designed so as to complement the building design and site layout, but shall not be constructed within the setback areas.

7241. Enclosed parking spaces shall be 10 feet in width and 20 feet in length; unenclosed parking spaces shall be not less than 9 feet wide and 18.5 feet in length.

7242. Additional enclosed or unenclosed parking spaces shall be provided for guests and recreational areas as indicated below:

7250. Design Standards.

A. multiple family dwelling shall meet the following standards:

7251. Not more than 150 dwelling units shall be authorized by special permit. Commercial and industrial uses are prohibited.

7252. Outdoor lighting shall be in compliance with Section 5330 of this Bylaw.

7253. All utilities shall be installed underground using standards promulgated by the Planning, Health, Building and Public Works Departments of the Town of Tewksbury, and sewage shall be disposed of by means of adequate connections as required by State and local Departments and Board of Health.

7254. There shall not be more than a maximum of seven (7) units per acre nor more than fourteen (14) bedrooms per acre. This will allow for flexibility in the number of bedrooms per unit to vary from 1 to 3 bedrooms. The ratio of three (3) bedroom market rate units to three (3) bedroom Affordable Housing Units shall be 1 to 1. No more than 5% of the total MFD/55 site area within the wetlands and/or flood plain shall be used in calculating the density requirements of site. If more than 5% of the total MFD/55 site area is in wetlands and/or flood plains that exceeds the 5% requirement shall be deleted from the area used to determine density requirements.

**Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 10/1/02.

7255. The maximum coverage of the site available for use by all buildings, including garages, and carports shall not exceed 30 percent of the site area. Any structure that exceeds three (3) stories in height shall be required to provide vertical access by means of an elevator. Vertical Access or "elevator" shall be applicable only to Garden Style Units.

7256. Reserved.

7257. Any roadway/driveway located in an area that is within 50 feet of a property line shall be shielded from the property line by a planting of shielding type trees satisfactory to the Planning Board between the roadway and property line for the entire length of the roadway within the 50 foot area. This planting shall be in addition to any existing vegetation between the property line and the proposed roadway and shall be placed a maximum of 10 feet apart.

7258. Walkways, tables, benches, flowering bushes/trees may be allowed in 50 to 100 foot buffer areas at the discretion of the Planning Board to improve the aesthetics of the site area.

7259. Television, radio and communications services shall be supplied by a central system with underground connections.

7260. Distance Parameters. The Planning Board shall determine the distance between the buildings that are structurally connected together by roofing, fencing or other means but not enclosed or heated. The distance parameters will be determined on the aesthetics, created by the design, practicality of design, and the effect on the development by the design. The Planning Board shall determine any distance parameters between buildings not covered under this Zoning By Law. Within the site area the following distance parameters shall apply:

7261. Any building abutting the main roadway within the site development shall have a minimum distance of 17 feet from the closest exterior protruding surface of the building steps, decks, balconies) to the edge of the traveled way segment of the roadway. (Berm is not considered part of a traveled way).

7262. Any building abutting the main roadway within the site development with parking facilities between the main roadway and the building shall have a minimum distance of 45 feet from the closest exterior protruding surface of the building (decks, balconies, steps) to the edge of the traveled way segment of the roadway. There shall be a minimum 2 foot landscaped buffer strip between the edge of the traveled way and the parking area with allowances for drive entrances and exits.

7263. No proposed structure shall be located nearer than 50 feet from any public way.

7264. Separate, enclosed garages, assigned to a specific building may be located no closer than 30 feet from the closest points on the buildings (decks, balconies, steps) to the closest entrance to the garage.

7265. No building within the site area shall be constructed within 50 feet of any perimeter border of site or 100 feet from any public way providing access to the site.

7266. The minimum distance between buildings on site not structurally connected together shall be as listed below:

7270. Special Permit to Vary Requirements.

The Planning Board by special permit may vary the distance parameters and/or maximum building height, if in the opinion of the Planning Board the site development plan would be improved.

7280. Open Space.

7281. Suitable recreational facilities shall be provided on the required open space. Not less than 60% of the total upland area of the site available for use shall remain free from structures, parking and drives, and such area shall be left either in its natural state, attractively landscaped, or developed for uncovered recreational facilities.

7282. The owner or owners shall be responsible for the maintenance of common areas, including but not limited to snow plowing within the site limits and rubbish disposal. No outside burning of rubbish or inside incineration shall be permitted.

7283. Those portions of the undeveloped land dedicated to recreational use, open space, wetlands and flood plain may, notwithstanding any provision of this By Law to the contrary, may be utilized as a public or private golf course. The term "golf course" shall encompass all uses and structures customarily incidental to such use; provided, however, use and structure shall not be deemed incidental to golf if it has function separate and independent from said golf course, provided further, such use and structure shall be in operation only during the period of time that the golf course is otherwise operable. In any case where such land shall be under the control of a corporation, trust or unincorporated association, whose members or beneficiaries are the unit owners, such organization may lease such undeveloped land for a term of years to a person or entity for the development, use, oversight and maintenance of such land for use as a golf course and such accessory use as is incidental thereto.

7284. A minimum of 1,000 square feet per unit shall be dedicated to recreational use not otherwise utilized as a public golf course. Such area is to be no less than 30 feet in width and shall be configured as a buffer between the golf course and such recreational uses.

Topsfield

Does zoning include any provisions for housing that is restricted by age?

Yes

3.16 Elderly Housing District.

A. Permitted Uses and Special Permit Uses. In an Elderly Housing District no building or land shall be used and no buildings shall be erected or converted except for the following purposes:

1. To provide, upon the grant by the Planning Board of a Special Permit and the approval of Site Plan, Multifamily residences for the Elderly, such housing to be owned and controlled only by a non-profit organization or by the Town or jointly as permitted by law; or after said grant and an approved Site Plan, by a Cooperative Housing Corporation organized pursuant to Massachusetts General Laws, Chapter 157B, jointly with the Town or otherwise.

a. For the purposes of Subsection 1, above, a "non-profit" organization shall mean a corporation, foundation or other organization no part of the net earnings of which inures to the benefit of any private shareholder or individual and which, if appropriate, has been organized pursuant to Massachusetts General Laws, Chapter 180, as amended.

2. Any of the uses permitted, as a matter of right in the underlying Residential District with the development regulations applicable to such District as set forth in the Zoning By-Law for such underlying Residential District. (Art. 29, 5-3-88)."

1.50A MULTIPLE-FAMILY RESIDENCES FOR THE ELDERLY . The term "Multifamily Residences for the Elderly" shall mean multifamily dwellings, each building of which shall contain not less than two (2) nor more than six (6) independent dwelling units consisting of a suite of rooms, its own bath and toilet facilities and its own kitchen facility. Each such multifamily dwelling building may also include central kitchen and dining facilities for providing meals to the residents thereof and their guests but not to the public and may also provide lounge rooms for the common use of residents and their guests. At the time of occupancy, in each such dwelling unit, one of the residents must be a person who is fifty-five (55) years of age or over. No Housing for the Elderly Development shall contain more than seventy-five (75) independent dwelling units. In one of such buildings, a unit may be included for occupancy by a manager of the development and his or her immediate family, one room of which may be used for an office. The manager's unit need not be occupied by a person fifty-five (55) years of age or over. Except for the unit so used and occupied by the manager, no dwelling unit in a Multifamily Residence for the Elderly shall be resided in by more than three (3) persons. (Art. 29, 5-3-85; Art. 17, 5-4-93)

3.16 Elderly Housing District.

A. Permitted Uses and Special Permit Uses. In an Elderly Housing District no building or land shall be used and no buildings shall be erected or converted except for the following purposes:

1. To provide, upon the grant by the Planning Board of a Special Permit and the approval of Site Plan, Multifamily residences for the Elderly, such housing to be owned and controlled only by a non-profit organization or by the Town or jointly as permitted by law; or after said grant and an approved Site Plan, by a Cooperative Housing Corporation organized pursuant to Massachusetts General Laws, Chapter 157B, jointly with the Town or otherwise.

a. For the purposes of Subsection 1, above, a "non-profit" organization shall mean a corporation, foundation or other organization no part of the net earnings of which inures to the benefit of any private shareholder or individual and which, if appropriate, has been organized pursuant to Massachusetts General Laws, Chapter 180, as amended.

2. Any of the uses permitted, as a matter of right in the underlying Residential District with the development regulations applicable to such District as set forth in the Zoning By-Law for such underlying Residential District. (Art. 29, 5-3-88)

B. Accessory uses permitted in an Elderly Housing District shall include:

1. Garages;

2. One separate building, not exceeding one story in height, to house snow removal and mowing machines, garden and other tools and equipment required to maintain and service housing for the elderly;

3. One building not exceeding thirty-five (35) feet in height and used as a common building by the residents of the District, which building may include central kitchen and dining facilities for residents thereof and their guests and may also provide lounge and meeting rooms for the common use of residents and their guests. (Art. 29, 5-3-88)

C. Special Permit and Site Plan Approval. In an Elderly Housing District no building shall be constructed, enlarged or changed to accommodate multi-family residences for the elderly except in conformity to this By-Law and to a Special Permit granted by the Planning Board and a Site Plan bearing the approval of the Planning Board. The Planning Board shall not approve any such Special Permit or Site Plan unless the applicable standards in Massachusetts General Laws and the following standards and criteria are met:

1. Standards.

a. The Planning Board shall find that the proposed plan of development is in harmony with the purposes and intent of this By-Law as set forth herein.

b. Where land is to be developed for multifamily residences for the elderly, the site shall contain not less than ten (10) acres.

c. All elderly housing shall be owned and controlled by a non-profit organization or by the Town or jointly so far as permitted by law; or by a Cooperative Housing Corporation organized pursuant to Massachusetts General Laws Chapter 157B, jointly with the Town or otherwise.

d. All newly constructed housing developed in an Elderly Housing District shall have not more than five (5) dwelling units per acre of buildable area.

e. All buildings, including accessory buildings, shall cover not more than thirty (30%) percent of the buildable area of the site.

f. The site shall have frontage of not less than fifty (50) feet on a public way.

g. Every structure in an Elderly Housing District shall be so located so as not to extend closer than thirty (30) feet from the street line.

h. The proposed plan shall provide that there shall be on the site off-street parking of not less than six (6) nor more than eight (8) parking spaces for each three (3) elderly dwelling units contained in the development. Parking spaces within a garage shall be counted toward the required number of parking spaces.

i. Roads and ways within the development shall be constructed in accordance with the Planning Board Subdivision regulations with such waivers, if any, as the Planning Board deems appropriate.

j. The entire site shall be a size and shape as shall provide a housing site which will be in harmony with the natural terrain and other features of the site and will preserve natural vistas and the existing rural or other character of the neighborhood.

k. The site shall be supplied with a water system approved by the Planning Board with the advice of the Water Department, adequate to meet the needs of the units constructed on the site.

l. All dwelling units must be served by adequate sewage treatment facilities or an on-site sewage disposal system approved by the Board of Health or other appropriate approval agency.

m. No site on a plan for which an approval is granted under this section may be subdivided so as to create additional buildable lots and a notation to that effect shall be shown on the Site Plan.

n. Elderly dwellings constructed under this section shall not be eligible for subsequent conversion to conventional apartments.

o. Buildings shall be designed to be consistent with the appearance of the Town and shall be complementary in exterior design with each other and, where applicable, with the existing neighborhood in which the development is located.

p. Sufficient security must be provided to insure completion of the development and continuing compliance upon its completion with the provisions of the approval.

q. A Buffer Zone shall be required between the Elderly Housing Development and adjoining properties to provide visual and privacy for such adjoining properties. The Planning Board may require appropriate landscaping, fencing and other site improvements to accomplish such purposes and the Site Plan shall be accompanied by a Landscape Plan drawn by a Landscape Architect, which Plan shall indicate the species, height and density of landscaping to provide the necessary Buffer Zone. In no case shall said Buffer Zone be less than twenty-five (25) feet in depth for all side and rear boundaries of the site.

r. No building in an Elderly Housing District shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.

s. A plan shall be prepared by the petitioner which shall, to the extent allowable by law, give a preference for elderly dwelling units within a development first to Topsfield residents, then to immediate family members of Topsfield residents, and then to former residents of Topsfield. The petitioner shall furnish the Planning Board with an eligibility plan for the Elderly Housing Development, which plan shall be subject to the approval of the Planning Board.

t. Site Plan Review under this section shall be conducted in conformance with the requirements, rules, and regulations set forth in Article IX, and the regulations adopted thereunder, except that any requirements set forth herein above which are more particular or stringent shall govern.

2. Site Plan and Special Permit Approval Application.

a. Eligibility:

An applicant may submit to the Planning Board for a Special Permit and Site Plan Approval a plan of land.

b. Contents of the Application.

Each application shall include:

(i) All information required for submission of a Definitive Plan for Standard Subdivisions as provided for in Planning Board's Rules and Regulations governing the subdivision of land.

(ii) Provisions for privacy and security.

(iii) Provisions for parking.

(iv) Proposed landscaping, exterior lighting, architectural exterior design and elevations, typical floor plans.

(v) Projected phasing, timing of construction, type of ownership, and proposed covenants and/or agreements binding on occupants.

(vi) Projected advantages to the Town of the proposed development compared to alternative permitted uses at the same site.

(vii) Projected revenues to the Town in taxes or payments in lieu of taxes.

(viii) An Eligibility Plan for the Development as required under Section 1 (s). (Art. 29, 5-3-88; Art. 16, 5-4-93)

D. Procedure. The original and five (5) copies of the application shall be filed with the Planning Board and with the Town Clerk. The Planning Board, acting as the Site Plan Approval Authority and Special Permit Granting Authority under this section, shall give notice, conduct public hearing and render a decision in conformity with Massachusetts General Laws, Chapter 40A, Section 9, and Section 5.04 of the Zoning By-Law.

E. Grant of Approval. The Planning Board shall grant an approval if it determines that the plan as proposed meets the standards for granting Special Permits and:

1. The plan promotes the more efficient use of land in harmony with its natural features, watercourses, scenic areas, natural vistas, existing rural character, and similar community assets within the general intent of the Zoning By-Law and the long-range plan of the Town.

2. The plan protects adjoining premises against serious detrimental effects by providing inter alia, surface water drainage, sound and sight barriers and preservation of views, light and air.

3. The plan provides for convenience and safety of vehicular and pedestrian movement within the site, and for appropriate location of driveway openings in relation to traffic or to adjacent streets.

4. The plan provides for adequate methods of disposal of refuse and other wastes.

5. The plan provides for suitable architectural design and a favorable relationship of structures and open space to the natural landscape, barriers and preservation of views, light and air.

F. Additional Provisions.

1. Construction must commence within one year of the granting of the approval. Construction must be completed within two (2) years of its commencement unless otherwise provided for in the approval.

2. No zoning map amendment shall create an Elderly Housing District except upon the petition by the owner of, or one holding a valid purchase and sale agreement on, the land to be so designated. (Art. 29, 5-3-88)

Townsend *Does zoning include any provisions for housing that is restricted by age?*

No

Tyngsboro *Does zoning include any provisions for housing that is restricted by age?*

No

Upton *Does zoning include any provisions for housing that is restricted by age?*

Yes Town of Upton Zoning Bylaw (Amended 2002)

SECTION XVIII SENIOR HOUSING COMMUNITY

1.0 Scope

1.1 Purpose & Intent

The purpose of the Senior Housing Community [SHC] bylaw is to encourage development that provides alternative housing choices for people that are fifty-five years of age or older.

It is the intent of this bylaw to enhance and preserve the rural village character of Upton, to protect open space, to preserve our natural resources and to promote efficient use of the land and infrastructure.

1.2.1 Objective

The following objectives will apply to all proposed Senior Housing Communities construction in Upton.

To establish a procedure whereby each proposal for a SHC will be reviewed separately and judged by standards designed to protect both the special quality of the site and its environment.

To ensure the SHC is developed in accordance with the planning objectives [Master Plan] of the town and at a rate that can be supported by the town services.

To encourage the conservation of viable acres of open land, wildlife habitats, historical and natural resources.

To encourage and recognize the importance of diversity and variety in the exterior design of structures so that those are specifically designed for and related to special conditions and features of the proposed site.

To require builders to use visual space planning to all site development elements, such as parking, wooded or conservation areas, adjacent streets, accessory buildings, lighting and open areas.

To provide for design review of all proposed SHC prior to construction, to ensure compliance with the above intent and objectives and to assure that the proposal will not result in or contribute to incompatible use of the land, pollution of the soil or ground water, traffic congestion or inappropriate site development.

2.0 Definitions

Assisted Living Facility: Includes the provisions of services geared to an aging adult population which may have difficulty functioning independently and may require oversight including, but not limited to the provisions of a full meal plan, transportation services, personal care and assistance with medication.
Congregate Senior Housing: Means private dwelling units/apartments which may have kitchen facilities within a complex containing central dining and other common areas and is designed for an adult population requiring some supportive services including but not limited to meals, housekeeping, home health and other supportive services.

Common Land: Common land shall be an area of land owned and maintained by a homeowners association and used solely for recreational, conservation, agriculture or forestry purpose by residents of the development and/or the public.

Dwelling Unit: One or more living or sleeping rooms arranged for the use of one or more individuals living as a single housekeeping unit with individual or congregate cooking, living, and sanitary facilities, excluding mobile homes and trailers. The intent of this definition is to define a "home" with private sleeping rooms rather than a dormitory arrangement of sleeping quarters.

Impervious Surface: A surface area in which water is not allowed an entrance, which includes but not limited to building footprints, roadways, driveways, and parking lots, ECT.

Independent Senior Housing: Means private residential dwelling units, individually equipped with a minimum of a kitchen, bedroom, bathroom and living area. Geared toward independently functioning adults, this housing typically does not offer on-site supportive services but is designed to be barrier free and should include emergency call features complemented by housing management and facility maintenance services.

Open Space: Open space shall be an area of undeveloped land used solely for conservation and is permanently protected from development by a permanent conservation restriction in accordance with M.G.L., Ch.184, §31. Open space shall not contain any common land.

Restorative Care/Skilled Nursing Facility: Includes the provision of service for long term nursing, convalescent or rehabilitative care; supervision and care incident to advanced age, retirement home care for elderly persons.

Senior Housing Community: A multifamily residential land use consisting of a multiple dwelling unit(s) on one single contiguous parcel, with the intent that at least one resident of each dwelling unit be 55 years of age or older. For the purpose of this bylaw, housing units are intended for occupancy by persons fifty-five years of age or older within the meaning of M.G.L., Ch.151B, §4.6 and shall comply with the provisions set forth in 42 U.S.C., §3601.

Shall: Indicates a mandatory requirement.

Should: Indicates a recommendation or that which is advised but not necessarily required.

SPGA: Special Permit Granting Authority.

3.0 Special Permit Granting Authority

The Planning Board shall be the Special Permit Granting Authority for Senior Housing Community in the Town of Upton, and is authorized to hear and decide upon applications for special permits for senior housing communities in accordance with the provisions of this zoning section.

4.0 Application in Zoning Districts

A Senior housing Community, under single ownership or as condominiums, may only be permitted by a special permit in districts A, B, C, D, and A&R where residential uses are permitted by right in accordance with the requirements and regulations of the Town of Upton Zoning Bylaws.

5.0 Procedure and Administration

5.1 Application Procedure

The application procedure consists of two steps:

1. Pre-application review of a conceptual site plan by the Special Permit Granting Authority.
2. An application for approval of a senior housing community special permit to the SPGA.

5.1.1 Pre - Application

To be eligible to apply for a special permit, applicants are required to have submitted a conceptual site plan prepared by a registered landscape architect, a registered architectural architect, and a registered professional civil engineer at a scheduled Planning Board meeting. The conceptual site plan shall include a detailed analysis of site topography, wetlands, unique land features and soil type, site layout and building design. The purpose of this requirement is to help applicants and Town officials develop a better understanding of the property and to help establish an overall design approach that respects the intent of this bylaw.

Commentary: The pre – application process should not be limited to one meeting, but should be a series of meetings to review and discuss details and options.

5.1.2 SPGA – Application

Applicants are required to submit a special permit application and site plan, conforming to the requirements of this bylaw, to the SPGA for approval.

Contents of special permit application: The application for a senior housing community special permit shall be accompanied by a site plan including all of the plans and information listed below.

1. The plan or plans shall contain the following: The name of the record owner(s) of the land, the name of the applicant, the name of the registered landscape architect, the name of the registered architectural architect, the name of the registered professional engineer, and the name of the land surveyor who made the plan(s).
2. A "EXISTING CONDITIONS PLAN" [at a scale of not less than 1" = 100'] showing topography, soil types, watercourses, wetlands and 100-year floodplains, existing streets, all known easements, and structures within and on parcels contiguous to the tract.
3. A "OVERALL LAND USE PLAN" [at a scale of not less than 1" = 100'] showing the location ownership, and use of the proposed common land, the extent of open space, the area of residential use, the maximum number of residential units proposed, and the maximum number of bedrooms, any amenity or recreation area serving the residential uses, and the general layout of all roads and access ways. The "Overall Land Use Plan" shall include a tabulation indicating the total area, upland area, wetlands area, open space area, common land area, all impervious area to be created in the senior housing community and the respective percentage of each area for the entire tract.
4. A "LAYOUT PLAN" for the proposed senior housing community [at a scale of not less than 1" = 100"] showing the intended location of each residential building, accessory structure and facility, the intended location of all roads and access ways, curbcuts, driveways and approximate finished grades, the proposed location of all recreational areas, proposed improvements and structures on the common land, and methods for providing water and sewerage facilities.
5. A plan or plans showing the proposed grading of the tract and the proposed location, dimensions, materials and type of construction of streets, common drives, parking areas, walks, paved areas, utilities, emergency access ways, easements, and the location and outline of all proposed buildings and structures including, but not limited to dwellings, garages, and any accessory structures thereto. If the proposed senior housing community is to be constructed in separate phases, this plan or plans shall clearly indicate the construction phases proposed.
5. A plan or plans showing the proposed use of common land [whether public or private], including all improvements intended to be constructed thereon.
6. A plan or plans showing in a general way existing vegetation [at a scale of 1" = 100'] and detailed

landscaping and planting plans [at a scale of 1" = 100'] for all areas to be disturbed and buffer areas.

7. A perspective plan or plans showing the proposed architecture of the buildings / structures by type and such plan(s) shall include a tabulation of proposed buildings / structures by type [i.e. number of units per building, and number of bedrooms per unit].

8. Copies of all instruments to be recorded with the senior housing community special permit, including the proposed deed(s) for the common land, dispositions of open space, the articles of organization and bylaws of any corporation or trust to be organized to own the land and the language of all restrictions to be imposed on the land.

9. A management plan for common land to be incorporated in the deed covenants to be executed with purchases of land or other interests in the senior housing community.

5.1.3 Development Impact Statement

At the discretion of the SPGA, the submittal of a development impact statement [DIS] may be required at the expense of the applicant. The SPGA may deny a special permit where the DIS discloses that the proposed use does not comply with the provisions of this by-law, or would be detrimental to the Town or its citizens. The DIS shall be prepared by an interdisciplinary team including a Registered Landscape Architect or Architect, a Registered Civil Engineer, Registered Surveyor, and a Land Planner, and may include all or some of the following information.

5.1.3.1 Physical Environment

a. Describe the general physical conditions of the site, including amounts and varieties of vegetations, general topography, unusual geologic, archeological, scenic and historical features or structures, locations of significant viewpoints, stone walls, trees over 16 inches in diameter, trails and open space links, and indigenous wildlife.

b. Describe how the project will affect these conditions, providing a complete physical description of the project and its relationship to the immediate surrounding area.

5.1.3.2 Surface Water and Subsurface Conditions

a. Describe locations, extent, and types of existing water and wetlands, including existing surface drainage characteristics, both within and adjacent to the site.

b. Describe any proposed alterations of shore-lines or wetlands.

c. Describe any limitations imposed on the project by the site's soil and water conditions.

d. Describe the impact upon ground and surface water quality and recharge, including estimated phosphate and nitrate loading on groundwater and surface water from septic tanks, lawn fertilizer, and other activities within the site.

5.1.3.3 Vehicle Circulation System

a. Project the number of motor vehicles to enter or depart the site per average day and during peak hours. Also state the number of motor vehicles to use streets adjacent to the site per average day and during peak hours. Such data shall be sufficient to enable the SPGA to evaluate (i) existing traffic on streets adjacent to or approaching the site,

(ii) traffic generated or resulting from the site, and (iii) the impact of such additional traffic on all ways within and providing access to the site.

b. Actual study results, a description of the study methodology, and the name, address, and telephone number of the person responsible for implementing the study, shall be attached to the DIS.

5.1.3.4 Support Systems

a. Water Distribution: Discuss the water system proposed for the site, means of providing water for fire fighting, and any problems unique to the site.

b. Sewage Disposal: Discuss the sewer system to be used, and evaluate impact of sewage disposal on the wastewater treatment facility.

c. Refuse Disposal: Discuss the location and type of facilities, the impact on existing Town refuse disposal capacity, hazardous materials requiring special precautions.

d. Protection Service: Discuss the distance to the fire station, police station, and emergency medical service, and the adequacy of existing equipment and manpower to service the proposed site.

e. Recreation: Discuss the distance to and type of public facilities to be used by the residents of the proposed site, and the type of private recreation facilities to be provided on the site.

5.1.3.5 Phasing.

Where development of the site will be phased over more than one [1] year, indicate the following:

a. Describe the method to be used during construction to control erosion and sedimentation through use of sediment basins, mulching, matting, temporary vegetation, or covering of soil stockpiled. Describe the approximate size and location of portion of the parcel to be cleared at any given time and the length of time of exposure.

b. Describe the phased construction, if any, of any required public improvements, and how such improvements are to be integrated into site development.

5.2 SPGA - Rules and Regulations

The SPGA shall adopt reasonable rules and regulations for the administration of this section, which may be amended from time to time. Such regulations shall include a schedule of fees, site construction requirements, inspection requirements, and owner / occupancy reporting requirements to satisfy compliance with the age restriction, as well as such other items as the SPGA deems necessary.

5.3 SPGA - Public Hearing

The SPGA shall hold a public hearing and shall file its decision with the Town Clerk as required by M.G.L., Ch.40A, §9.5.4 Approval. The SPGA may grant a special permit for a senior housing community if it determines that all the requirements under the bylaw have been met and such use will not be detrimental to the public good. Upon receipt of the application and required plans, the SPGA shall transmit one copy each to the Board of Health and

Conservation Commission. Within 45 days of their receipt of the application/plans, these agencies shall submit any recommendations to the SPGA. The SPGA shall act on applications according to the procedures specified in M.G.L., Ch.40A, §9. Notice shall be provided of hearings in accordance with M.G.L., Ch.40A, §11.

The SPGA may impose special permit conditions as a condition of approval such as site construction requirements, inspection requirements, and owner /

occupancy reporting requirements to satisfy compliance with the age restriction.

The SPGA may require additional conditions as it finds reasonably appropriate to safeguard the health, safety, and welfare of the existing neighborhoods and the Town of Upton or otherwise serve the purpose of this bylaw.

The SPGA may approve the special permit application with a condition of approval from the Board of Health and Conservation Commission.

5.5 Change in Plans After Grant of Special Permit. No change in any aspect of the approved plans shall be permitted unless approved in writing by the SPGA. A new or amended special permit will be required if the SPGA determines any proposed change to be substantial. The SPGA shall hold a public hearing if the proposed change is determined to be substantial, with the provisions of this bylaw.

No land for which a special permit for a senior housing community has been granted shall be further subdivided.

6.0 Optional Incentive Provisions

The SPGA may approve density bonuses pursuant to one or more of the following provisions, provided, however, that in no case shall the density bonus be greater than a 15% increase in the number of bedrooms permitted in the applicable senior housing community.

6.1 Affordable Option

A density bonus may be permitted when the proposed community provides affordable housing opportunities consistent with the Upton Local Housing Partnership Policy Plan. For each affordable housing unit provided under this section, four additional bedrooms may be permitted subject to the 15% limitation expressed in section 6.0. Affordable units shall be developed concurrently with the market rate units in the development. The affordable units must be subject to use restrictions of a substantial duration to ensure that the units remain available exclusively to persons with qualifying income.

6.2 Recreational Space Option

A density bonus may be permitted when the proposed community provide for public access to recreational facilities and/or recreational fields within the community or when they are deeded to the municipality. For every 5 acres of land that is donated to the municipality or open to public use, four additional bedrooms may be permitted subject to the 15% limitation expressed in section 6.0. Recreational space that is open to public use shall be accessible from a public way and adequate parking shall be provided to meet anticipated demand.

6.3 Open Space Option

A density bonus may be permitted when the proposed community provides additional open space. For every 5 acres of land that is donated to the municipality or land trust, four additional bedrooms may be permitted subject to the 15% limitation expressed in section 6.0.

6.4 Provision for off-site locations

The SPGA may accept the off-site location of affordable housing, recreational space, or open space for the purpose of satisfying the optional incentive provisions.

7.0 Standards for Independent Senior Housing

As used by this bylaw, Independent Senior Housing [ISH] means private residential dwelling units, individually equipped with a minimum of a kitchen, bedroom, bathroom and living area. Geared toward independently functioning adults, this housing typically does not offer on-site supportive services but is designed to be barrier free and should include emergency call features complemented by housing management and maintenance services.

7.1 Occupancy Restrictions

The following provisions are intended to ensure that the dwelling units in Independent Senior Housing are used as residences for persons of fifty-five [55] years of age and older.

- a. Each dwelling unit in an ISH shall be subject to a recorded deed restriction limiting occupancy to at least one person 55 years of age or older.
- b. Individuals under the age of 18 or guests may not reside in a dwelling unit in an ISH for more than six [6] months in a twelve [12] month time period.
- c. In the event of the death of the qualifying occupant of a unit, or foreclosure or other involuntary transfer of a unit in an ISH, a two-year exemption shall be allowed to facilitate the transfer of the unit to another eligible household.

7.2 Site Dimensional Requirements

The tract of land for an ISH shall contain at least five [5] acres and shall have at least one hundred [100] feet of frontage on an existing Town accepted way. A 100ft-screened buffer zone consisting of landscaped or natural vegetation shall encompass the entire perimeter of the development site. Upon finding by the SPGA that a buffer zone of lesser width would be sufficient to visually screen and/or separate the ISH from adjacent property, the SPGA may waive and/or alter the buffer zone requirement. The SPGA may require no-cut easements, conservation restrictions or the like where the buffer zone has been reduced.

7.3 Density

The residential density in an ISH shall not exceed six bedrooms per acre of developable area, and shall contain no more than two hundred [200] bedrooms except when optional incentive provisions have been applied. For the purpose of this computation, the developable area shall be the total area of the tract, including the common land, but excluding all listed non-buildable areas as provided under section 7.4.

The total area of dwelling units footprints, garages, accessory buildings, and all other impervious surfaces shall not exceed 20% of the site area, except when optional incentive provisions have been applied.

7.4 Usable Land

Developable area shall be calculated by a registered civil engineer and/or registered land surveyor and shall not include any of the following.

- a. Land within a 100-year floodplain as defined by M.G.L., Ch.131, §40.
- b. Fresh water wetlands as defined by M.G.L., Ch.131, §40.
- c. Land having a slope greater than 20%.
- d. Land subject to conservation restrictions that prohibit development.
- e. Land subject to any local and/or state law or regulation, right of way, public or other restriction, which prohibits development.
- f. Land recorded with open space open restrictions.

7.5 Open Space

A minimum of 25% of the development site shall be dedicated to open space and shall be clearly delineated and defined on the "Overall Land Use Plan" of each application. It is the intention of this section that open space should generally occur as a single contiguous area of open space which shall retain those natural features of the site most worthy of preservation in their natural state. The minimum required area of Open Space shall consist of no more than 30% wetlands as defined in M.G.L. Ch.131, §40. Land comprising the buffer zone under section 7.2 shall not count toward this open space requirement.

7.6 Common Land

The common land shall be dedicated and used for conservation, recreation, park purposes, outdoor education, agriculture, horticulture or forestry, or for any combination of such use. Common land shall be planned as large and contiguous whenever possible. Common land may be set aside in more than one parcel provided that the size, shape, and location of such parcel are suitable for the designated use. Strips or narrow parcels of common land shall be permitted only when necessary for access, or if the SPGA finds that a vegetation buffer strip along the site's perimeter is appropriate and consistent with the purpose of the Senior Housing Community bylaw.

7.7 Recreational Space

Suitable recreational space for the ISH community should be provided. Such areas should be suitable for a site of an active recreational facility. Such recreational areas should be contiguous to the open space or may be separately located.

7.8 Building & Dwelling Requirements

In an ISH the following Building & Dwelling requirements shall apply:

- a. Dwelling units in an ISH may be attached, detached, or a combination of these types.
- b. No building shall contain more than eight [8] bedrooms.
- c. No dwelling unit shall contain more than two [2] bedrooms.
- d. Buildings shall not exceed 2-1/2 stories and/or thirty feet [30] in height.

In an ISH the following setbacks requirements shall apply.

- a. All buildings must be located a minimum of thirty feet [30] from other structures within the ISH.
- b. All building must be located a minimum of thirty feet [30] from an interior roadway and driveway, which are not considered accepted public way.
- c. All buildings must be located a minimum of one hundred feet [100] from any side or rear site lot line from any off-site private or public way.
- d. Upon finding by the SPGA that a setback of lesser width would be sufficient to visually screen and/or separate the ISH from adjacent property, the setback may be reduced. The SPGA may require no-cut easements, conservation restrictions or the like where the setback has been reduced.

[...]

Uxbridge

Does zoning include any provisions for housing that is restricted by age?

No

Wakefield

Does zoning include any provisions for housing that is restricted by age?

No

Walpole

Does zoning include any provisions for housing that is restricted by age?

Yes

Town of Walpole Zoning Bylaw, Section 3-J, K (Last Amended 2003).

"3-J Age Qualified Village

the Zoning Board of Appeals may grant a Special Permit for an Age Qualified Village (AQV) and accessory structures, in all zoning districts listed below in Section 3a subject to the following:

(1) Objectives - the objectives of the AQV Special Permit are to provide alternative housing for a maturing population, to provide a type of housing which reduces residents' burdens on property maintenance and which minimizes demands on municipal services, and to promote flexibility in land use planning in order to improve site layouts, protection of natural features and environmental values and utilization of land in harmony with neighboring properties.

(2) Zoning Board Action - The Zoning Board of Appeals shall not grant a Special Permit for an AQV unless it finds that

- (i) the AQV complies with the purposes of the AQV bylaw as stated in Section 1-7 hereof;
- (ii) the AQV is in an appropriate location and does not significantly alter the character of the neighborhood in comparison to a single family residential development;

(iii) adequate and appropriate facilities will be provided for the proper operation of the AQV;

(iv) the AQV use would not be detrimental or offensive to the adjoining zoning districts and neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse materials or other visual nuisances;

(v) the AQV use would not cause undue traffic congestion in the immediate area;

(vi) the AQV responds to the recommendations of Town Boards and Agencies; and

(vii) the granting of the Special Permit would not result in unsuitable development of the land in question.

(3) Qualifications - the following qualifications shall apply to all Age Qualified Villages:

Zoning District - an AQV shall be located only in Business (B), Central Business (CBD) and Limited Manufacturing (LM) Districts.

Tract Qualifications - at the time of granting a special permit by the Zoning Board of Appeals, the property under consideration for an AQV shall be located on one or more contiguous parcels, whether or not separated by a public or private way, with definite boundaries ascertainable from a recorded deed or recorded plan, having an area of at least ten (10) acres.

Age Qualification - an AQV shall constitute housing intended for persons of age fifty-five or over within the meaning of M.G.L. CH 151B, Section 4, Section 6 and 42 USC Section 3607(b)(2)(c), and in accordance with the same, at least one owner of each unit shall be at least 55 years of age or older and such owner must occupy said unit, and such development shall be operated and maintained in all other respects in compliance with the requirements of said statutes and regulations promulgated pursuant thereto.

(4) Tract Requirements - All AQV Tracts shall meet the following intensity requirements: (Amended ATM 4/5/99, approved 5/26/99)

(a) all of the facilities are connected or are to be connected with the public sewer system at the time of construction.

(b) The AQV tract shall have an area of at least 10 acres, and frontage of at least 150 feet.

(c) the maximum, total number of dwelling units allowable in an AQV shall be calculated on the basis of one unit per nine-thousand (9,000) square feet of area in the AQV tract.

(d) no building in the AQV may be constructed nearer the boundary of the AQV tract than the distance equal to the required yard distances for the underlying district as set forth in the Chart for Schedule of Dimensional Regulations (Section 4-B). A buffer zone of up to 75 feet in depth may be required around the perimeter of the AQV tract. Such buffer zone, if required, shall be in addition to the minimum required yards.

(e) the design and placement of buildings, roads, walkways and amenities will be in harmony with the general character of the neighborhood.

(f) The maximum lot coverage by structures and other impervious surfaces for the underlying district, as set forth in the Chart for Schedule of Dimensional Regulations (Section 4-B), shall apply to the AQV tract.

(g) it shall neither abut nor be within 1,000 feet of a functioning railroad, state or federal highway.

(h) a site plan shall be submitted for approval to the Planning Board in accordance with Section 7 of the By-Law.

(35) Building and Dwelling Unit Requirements - the following requirements shall apply to all buildings and dwelling units in an Age Qualified Village:

(a) Dwelling units can be attached, or detached as single units, or a combination of these types.

(b) Dwelling Units Per Building - no building shall contain more than four dwelling units.

(c) Maximum Height - no building constructed in an AQV shall exceed 35 feet in height.

(d) Maximum Number of Bedrooms - no dwelling unit constructed in an AQV shall contain more than three bedrooms. No more than ten percent (10%) of the total units in an AQV shall have fewer than two bedrooms.

(e) Rate of Development - the AQV is exempt from the limitations on the rate of development contained in Section 9 of this By-Law but shall be limited to the lesser of 50% of the approved number of dwelling units or 25 dwelling units per year.

(6) Additional Physical Requirements - the following requirements shall apply to all Age Qualified Villages:

1. Parking - two parking spaces shall be provided for each dwelling unit (with the exception of one bedroom units, which shall require one parking space per unit), in reasonable proximity to the dwelling, or in garages.

2. Private Roads - roads and driveways within an AQV shall meet such width, grades, radius of curvature and construction standards as the Planning Board shall determine during Site Plan Approval by the Planning Board.

3. Other Facilities - all facilities for utility services, drainage, lighting and signage shall be in accordance with requirements established by the Planning

Board during Site Plan Approval consistent with applicable provisions of the Zoning By-Law.

4. Project Maintenance - in every AQV there shall be an organization of the owners of the dwelling units which shall be responsible for the maintenance and repair of internal roads and driveways, snow plowing, landscape maintenance, utility services and maintenance and repair of other common elements and facilities serving the residents, and the Town of Walpole shall not be responsible thereof.

3-K Assisted and Independent Living Facility

(Added ATM 10/19/98, approved 1/14/99)

A facility devoted either solely to assisted living or in combination with independent living as such uses are defined in Section 1-C and M.G.L. ch. 19D and providing at least some of the services described therein may be permitted on special permit by the Board of Appeals in an LM, B or GR zoning district provided the board finds that the assisted living and independent living residences will not have adverse effects which overbalance its beneficial effects for either the neighborhood or the town, in view of the particular characteristics of the site and of the proposal in relation to that site. Such a proposal shall comply with these additional dimensional and developmental requirements:

1. The minimum lot size shall be 5 acres.
2. The minimum lot area per Assisted Living Residence unit shall be 10,000 square feet for the first unit and 2,500 square feet for each unit after the first.
3. The minimum front, side and rear yard setbacks shall be 50 feet and the minimum frontage shall be 200 feet.
4. Landscaping and screening is required to obscure visibility from beyond the boundaries of the premises of parking areas, dumpster locations, and loading areas.
5. The lot shall neither abut nor be within 750 feet of a functioning railroad, state or federal highway.
6. Two parking spaces shall be provided for every three units of assisted living and one for each bedroom in every unit of independent living.
7. The residences shall be connected to Town water and sewer."

JC 7-8

From definitions on ordinance.com:

RESIDENTIAL CARE CONTINUUM : A campus type development of facilities to provide a continuum of residential alternatives for the aged, chronically ill, or disabled: with the particular goal of assisting them better to cope with their particular limitations and to lead a productive existence, through the provision of appropriate care, rehabilitation, psychological counseling, and educational programs, Such a development may include any combination of the following, but must include a skilled nursing facility and either an assisted-living facility or an independent living facility as defined in subparagraphs (a), (b) and (c):

(a) a skilled nursing facility including ancillary support and rehabilitation services, including but not limited to: an adult day care or respite facility to provide short-term custodial care to individuals with special needs, food service, social, psychological and educational programs; twenty-four supervision; and nursing care as appropriate, all with the purpose of assisting the individual to continue to develop and to overcome the limitations imposed by his or her condition, and providing the individual's family or other care-giver a respite from the provisions of such care;

(b) a congregate housing or assisted-living facility providing a sheltered living environment for the aged, chronically ill; or disabled, including such services as: housekeeping; cooking and common dining; social, psychological, and educational programs, assistance with personal needs, and crisis intervention, all with the purpose of assisting each resident to continue to develop and to lead a productive and fulfilling life;

(c) independent living facilities providing private living and dining accommodations to persons fifty-five (55) years of age or older, also including common areas and the provision of social" psychological, and educational program, and crisis intervention as needed, all with the purpose of providing an environment in which older persons can continue to derive the personal and psychological benefits of independent living while also enjoying the substantial social and educational benefits of community living.

(d) home health care facilities serving as a base for the provision of medical, nutritional, social, psychological, and educational services for the aged, chronically ill, or disabled.

(e) multi-purpose facilities for resident and non-resident senior citizen, which may include social, educational wellness, counseling, recreational, outreach, and other activities;

(f) facilities for the provision of ancillary services to residents of the development, which may include but are not limited to a beauty parlor, barber shop center, and other such services, provided that such services shall be available only to residents, their guests, and employees, and not to members of the general public.

Waltham

Does zoning include any provisions for housing that is restricted by age?

No THE GENERAL ORDINANCES OF THE CITY OF WALTHAM, MASSACHUSETTS, v7 Updated 5-2004
PART III ZONING CODE

ZONING
ARTICLE II. Word Usage; Intent; Definitions
Sec 2.3. Definitions.

2.303B.AGE-RESTRICTED HOUSING -- Single family, two-family, townhouse style and multifamily dwellings that are: [Added 12-23-2002 by Ord. No. 29628]

(A) Provided under any state or federal program specifically designed and operated to assist elderly persons (as defined in the state or federal program); or

(B) Intended for, and solely occupied by, persons 62 years of age or older on one parcel or on contiguous parcels of land totaling at least five acres in size; or

(C) Intended and operated for occupancy by persons 55 years of age or older on one parcel or on contiguous parcels of land totaling at least five acres in size, and

(i) At least 80% of the occupied units are occupied by at least one person who is 55 years of age or older;

(ii) The housing operator publishes and adheres to policies and procedures that demonstrate the intent required under this subparagraph;

(iii) The housing operator verifies occupancy by means set forth by the special permit granting authority; and

(iv) The housing operator complies with the rules issued by the Secretary of Housing and Urban Development for verification of occupancy, which shall (I) provide for verification by reliable surveys and affidavits, and (II) include examples of the type of policies and procedures relevant to a determination of compliance with the requirements of Clause (ii). Such surveys and affidavits shall be admissible in administrative and judicial proceedings for the purposes of such verification.

Housing shall not fail to meet the definition of age-restricted housing by reason of unoccupied units, provided that such units are reserved for occupancy by persons who meet the age requirements of this definition.

Watertown

Does zoning include any provisions for housing that is restricted by age?

No

Wayland

Does zoning include any provisions for housing that is restricted by age?

Yes Code of the Town of Wayland, Massachusetts, Section 302, 2101, and 2106 (June 25, 2004)

302.1.6. A Senior and Family Housing Overlay District which includes all of the following land: Parcels F and G as shown on a plan entitled "Town of Wayland Zoning Overlay Districts," Survey Department, 41 Cochituate Road, Wayland, Massachusetts, 01778, dated January 29, 2002, and is available at the office of the Town Clerk for public inspection. [Added 4-28-1997 STM by Art. 5; amended 4-30-2001 ATM by Art. 23; 4-29-2002 STM by Art. 5]

ARTICLE 21, Senior and Family Housing Overlay District [Added 4-28-1997 STM by Art. 5]

§ 198-2101. Purpose.

2101.1. The purpose of the Senior and Family Housing Overlay District (SFHOD) is to:

2101.1.1. Provide a residential environment that offers supportive services to individuals 55 years of age or older who are unable to live independently in the community by offering supervision and/or assistance with basic activities of daily life, such as dressing, bathing, toileting and nutrition;

2101.1.2. Provide multifamily condominium dwellings and/or apartments for occupancy by individuals 55 years of age or older;

2101.1.3. Provide for mixed and diverse varieties of housing, including (a) affordable housing, (b) single-family housing without regard to age limitation, (c) assisted living residences and (d) independent living residences, in combination and in close proximity to one another; and

2101.1.4. Provide for residential development in a manner that conserves environmental features, woodlands, wet areas, open space, areas of scenic beauty, views and vistas.

2106.1.12. Single-family dwellings.

2106.1.12.1. The development of one or more single-family dwellings on a lot or lots shall be permitted only in a proposal to construct an MRD. Such single-family dwellings may be situated on any common or individual lot consistent with the overall design objectives of the SFHOD; provided, however, that such dwellings shall comply with the provisions of the State Sanitary Code, 310 CMR 15.00, any other state regulations as may be applicable and with the rules and regulations of the Board of Health.

From Wayland's 2005 Comprehensive Housing Plan:

Senior and Family Housing Overlay District

The Senior and Family Housing Overlay District is located at Cochituate Road and Green Way. The district allows multi-family condominium dwellings and apartments for families and individuals 55 and older by special permit from the Planning Board. For a property to be eligible, a minimum of 20 acres is required. At least 40% of the development must be designated open space and a 50-foot perimeter buffer is required around the entire development. All of the land located in this district was permitted as one project, "Traditions of Wayland" (Paine Estates). The development includes a 76-unit assisted living facility, a 24-unit independent living senior housing complex, and 17 single-family dwellings, all located on 26 acres of land.

Wellesley

Does zoning include any provisions for housing that is restricted by age?

Yes

Zoning Bylaws of the Town of Wellesley, Massachusetts, Section IA (Amended 2003)

Section IA Definitions

Independent Elderly Housing - A building or group of buildings containing dwellings where the occupancy of the dwellings is restricted to persons 62 years of age or older or couples where either the husband or wife is 62 years of age or older. Independent elderly housing may include support services such as central dining, cleaning, linen, laundry and other personal support services. Further they may provide convenience retail services if said facilities do not have any exterior signs and comprise not more than 2% of the total floor area of the development. Independent Elderly Housing may include a medical service station for a house physician but not on site convalescent or nursing facilities. However, this definition shall not prevent independent elderly housing units from being developed as a distinct element in a larger development that includes assisted elderly housing units buildings.

Zoning Bylaws of the Town of Wellesley, Massachusetts, Section VI (Amended 2003)

SECTION VI. LIMITED RESIDENCE DISTRICTS.

A. In Limited Residence Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used,

for any purpose except one or more of the following:

1. One-family dwelling and with respect thereto any of the purposes authorized in accordance with and subject to the provisions of SECTION II.; in addition, with regard to the multi-family uses hereinafter provided, the Special Permit Granting Authority may grant a special permit in this district for any other purpose authorized by right or by special permit in Single Residence Districts.

2. A building or group of buildings operated by a non-profit organization and having three or more independent dwelling units each having a room or suite of rooms with its own bathroom and toilet facilities for occupancy by a family unit consisting of one or more persons at least one-half of whom are 62 years of age or older, such building or group of buildings having separate kitchen facilities for such dwelling units and/or central kitchen and dining facilities for the preparation and serving of meals to residents thereof (but not to the public), and at the option of the owner, lounge rooms for the common use of the residents thereof, also in connection therewith, the parking of automobiles and such other accessory uses as are customary; all subject to conformity with the requirements of the following subparagraphs (a) through (h) of this paragraph. For the purposes of this Section the term "non-profit organization" shall mean a corporation foundation or other organization not organized for profit, no part of the net earnings of which inures to the benefit of any

25 private shareholder or individual, and which shall pay real estate taxes on its property, or make equivalent payment in lieu thereof to the Town.

a. MINIMUM LOT OR BUILDING SITE AREA: No such building or group of buildings or other structures shall be erected or placed on a lot containing less than forty thousand (40,000) square feet in area.

b. MINIMUM LOT AREA PER DWELLING UNIT: There shall be provided a lot area of not less than twenty-five hundred (2,500) square feet for each dwelling unit.

c. MAXIMUM BUILDING AREA (LOT COVERAGE): No building or addition to any building, including accessory buildings, shall be erected or placed on a lot which will result in the covering by buildings of more than twenty percent (20%) of the lot area.

d. HEIGHT OF BUILDING OR STRUCTURE: No building shall exceed a maximum of two and one-half (2 1/2) stories of thirty (30) feet in height.

e. FRONT YARD, SIDE YARD AND REAR YARD: No building or structure shall be located within thirty (30) feet of any property boundary line abutting a public or private way or within twenty (20) feet of any other property boundary line.

f. PARKING: Off-street parking shall be provided in accordance with SECTION XXI.

g. CONVERSION: No conversion of an existing building shall be made without a special permit as provided in SECTION XXV.

h. SITE PLAN APPROVAL: The provisions of SECTION XVIIIA. SITE PLAN APPROVAL. shall apply.

3. A building or group of buildings operated as public housing for the elderly, and in connection therewith, the parking of automobiles and such other accessory uses as are customary; all subject to conformity with the following:

a. FRONT YARD, SIDE YARD AND REAR YARD: No building or structure shall be located within thirty (30) feet

of any property boundary line abutting a public or private way or within twenty (20) feet of any other property boundary line.

b. PARKING: Off-street parking shall be provided in accordance with SECTION XXI.

c. CONVERSION: No conversion of an existing building shall be made without a special permit as provided in SECTION XXV.

d. SITE PLAN APPROVAL. The provisions of SECTION XVIA. SITE PLAN APPROVAL. shall apply.

Wenham

Does zoning include any provisions for housing that is restricted by age?

Yes

THE ONLY MULTIFAMILY HOUSING IN WENHAM IS ELDERLY HOUSING BY SPECIAL PERMIT. Developer must go to town meeting to get the ok before issued a permit. (information via phone interview with Kathy Tuell, permitting coordinator)

I. The term MULTI-FAMILY RESIDENCES FOR THE ELDERLY shall mean multi-family dwellings, each building of which contains two or more independent dwelling units consisting of a suite of rooms, its own bath and toilet facilities and its own kitchen facility. Each such multi-family dwelling building may also include central kitchen and dining facilities for providing meals to the residents thereof and their guests but not to the public and may also provide lounge rooms for the common use of residents and their guests. In each such dwelling unit one of the residents must be a person who is sixty (60) years of age or over. (as amended 8/19/87)

In one of such buildings, a unit may be included for occupancy by a manager of the development and his or her immediate family, one room of which may be used for an office. The manager's unit need not be occupied by a person sixty years of age or over.

Except for the unit so used and occupied by the manager, no dwelling unit in a Multi-family Residence for the Elderly shall be resided in by more than two (2) persons.

The entire section on the Elder Housing District:

Town of Wenham Zoning Bylaw, Section XVII. (Adopted 1974, Last Amended 2000)

Section XVII - Elder Housing District

A. Permitted Uses and Special Permit Uses.

In an Elder Housing District no building or land shall be used and no buildings shall be erected or converted except for the following purposes:

1. To provide, upon the grant by the Planning Board of a special permit and the approval of site plan, Multi-family residences for the Elderly, such housing to be owned and controlled only by a non-profit organization, or by a cooperative housing corporation, or by the Town or by the Wenham Housing Authority, or jointly by such organizations as permitted by law. (As amended 8/19/87 and 9/13/89)

2. For the purposes of subsection 1. above, a "non-profit organization" shall mean a corporation, foundation or other organization no part of the net earnings of which inures to the benefit of any private shareholder or individual and which, if appropriate, has been organized pursuant to Massachusetts General Laws, Chapter 180, as amended; and a "cooperative housing corporation" shall mean a corporation formed pursuant to M.G.L. Chapter 157B, whose articles of organization contain limitations on the transfer value of its stock. (As amended 8/19/87 and 9/13/89)

3. Any of the uses permitted, as a matter of right, in a residential district, provided that multi-family residence for the Elderly Housing units may not be used for general residential purposes unless such units comply in all respects with requirements of this bylaw which are applicable to the residential district. (As amended 8/19/87 and 9/13/89)

4. An Elder Housing Incentive Development consisting of Multi-Family residences for the Elderly together on the same lot with non-restricted Multi-Family residences. The Multi-Family residences for the Elderly shall constitute at least thirty percent (30%) of the total number of residences developed on the lot, and such Multi-Family residences for the Elderly shall be organized and controlled as provided in subsections A. (1) and (2) above. (As amended 8/19/87 and 9/13/89)

5. In exchange for an increase in density above that which is permitted as a matter of right in the underlying zone, the applicant shall provide that at least fifteen percent (15%) of the residences in the Elder Housing Incentive Development shall be available to low and moderate income households in

accordance with M.G.L., c. 40B and its implementing regulations as they may from time to time be amended. (As amended 11/13/90)

B. Special Permit and Site Plan Approval.

In an Elder Housing District no building shall be constructed, enlarged or changed to accommodate Multi-Family residences for the Elderly or non-restricted Multi-Family residences except in conformity to this Bylaw and to a special permit granted by the Planning Board and a site plan bearing the approval of the Planning Board. The Planning Board may, pursuant to the special permit, allow the use, alteration or enlargement of any existing building or structure for Multi-Family residences for the Elderly. The Planning Board shall not approve any such special permit and site plan unless the applicable standards in Massachusetts General Laws and the following standards and criteria are met:

1. Standards.

a. The Planning Board shall find that the proposed plan of development is in harmony with the purpose and intent of this Bylaw and that it will promote the purpose of this Section, (As amended 8/19/87)

b. Where land is to be developed solely for Multi-Family residences for the Elderly the site shall contain not less than 7.5 acres exclusive of any area of land lying in the Flood Plain and Wetlands District, Where land is to be developed as an Elder Housing Incentive Development, the site shall contain not less than 35 acres exclusive of any area of land lying in the Flood Plain and Wetlands District. A portion of these total land areas may be within an abutting town. (As amended 8/19/87)

c. All Elder housing shall be owned and controlled by a non-profit organization, or by a cooperative housing corporation, or by the Town, or by the Wenham Housing Authority, or jointly by two or more of such organizations so far as permitted by law. (As amended 8/19/87 and 9/13/89)

d. All newly constructed housing developed in an Elder Housing District shall have not more than 7 dwelling units per acre, or portion thereof, provided however that the Planning Board may limit development to as few as one dwelling unit per acre. Where an existing building is converted or enlarged, not more than 7 units of Elder Housing shall be developed for each acre of land, or portion thereof, occupied by the building, its parking and accessory facilities, and those common acres dedicated to the use of the Elder Housing residents. In no case, however, shall the total number of dwelling units in an Elder Housing Incentive Development exceed a total of 3.5 multiplied by the number of acres in the development, excluding wetlands and land lying in the Flood Plain. (As amended 8/19/87 and 9/13/89)

e. For the purpose of subsection c. supra, "non-profit organization" shall mean a corporation, foundation or other organization no part of the net earnings of which inures to the benefit of any private share-holder or individual; and "cooperative housing corporation" shall mean a corporation formed pursuant to M.G.L. chapter 157B whose articles of organization contain limitations on the transfer value of its stock. (As amended 8/19/87 and 9/13/89)

f. The site shall have frontage on a public or private-way including ways built within the site, which is reasonable and consistent with the overall site plan. (As amended 8/19/87)

g. The proposed plan shall provide that there shall be on the site off-street parking containing at least (5) parking spaces for each three (3) Elder dwelling units contained in the development, and at least two (2) parking spaces for each non-restricted Multi Family residence. (As amended 8/19/87)

h. Roads within the development shall be constructed in accordance with Planning Board Subdivision regulations with such waivers, if any, as the Planning Board deems appropriate. (As amended 8/19/87)

i. The entire site shall be a size and shape as shall provide a housing site which will be in harmony with the natural terrain and other features of the site and will preserve natural vistas and the existing rural or other character of the neighborhood. (As amended 8/19/87)

j. The site shall be supplied with a water system approved by the Water Department, adequate to meet the needs of the units constructed on the site. (As amended 8/19/87)

k. All dwelling units must be served by adequate sewage treatment facilities approved by the Board of Health or an approved on-site sewage disposal system. (As amended 8/19/87)

l. No site on a plan for which an approval is granted under this section may be subdivided so as to create additional buildable lots and a notation to that effect shall be shown on the plan. (As amended 8/19/87)

m. Elder dwellings constructed under this section shall not be eligible for subsequent conversion to conventional apartments. (As amended 8/19/87)

n. Buildings shall be designed to be consistent with the single family appearance of the Town and shall be complementary in exterior design with each other and, where applicable, with the existing neighborhood in which the development is located. (As amended 8/19/87)

o. Sufficient security must be provided to insure completion of the development and continuing compliance upon its completion with the provisions of the approval. (As amended 8/19/87)

p. Signs in Elder Housing Districts shall be limited to one sign at each vehicular entrance to the District provided that such sign does not exceed five square feet. Such sign may be non-flashing white lighted. (As amended 8/19/87)

q. Elder Dwelling units within the development shall be available to all persons over the age of 60. However, a plan shall be prepared by the petitioner which shall, to the extent allowable by law, give a preference for Elder Dwelling units within a development first to Wenham residents, then to immediate family members of Wenham residents and then to the residents of towns with reciprocal agreements with the Town of Wenham. (As amended 8/19/87)

r. Elder Dwelling units within the development shall be subject to appropriate binding restrictions to assure their continued use for the purposes for which the special permit is granted. (As amended 9/13/89)

2. Site Plan and Special Permit Approval Application

a. Eligibility; (As amended 8/19/87, 9/13/89 and 5/1/93)

Any person may submit to the Planning Board for special permit and site plan approval a plan of land within the Elder Housing District containing either at least 7.5 acres, or at least 35 acres, whichever is required by Section 3.B.1.b exclusive of wetlands and land lying within the Flood Plain District in accordance with provision of this section. (Amended 5/1/93)

b. Contents of the Application (As amended 8/19/87)

Each application shall include:

(a) All information required for submission of a Definitive Plan for Standard Subdivisions as provided for in Sections 3.3 through 3.3.6.1.1 (excluding 3.3.5.4 and 3.3.5.4.1) of the Planning Board's Rules and Regulations governing the subdivision of land.

(b) Provisions for privacy and security.

(c) Provisions for parking.

(d) Proposed landscaping, exterior lighting, architectural exterior design and elevations, typical floor plans.

(e) Projected phasing, timing of construction, type of ownership, and proposed binding covenants, restrictions and agreements on resale, transfer, leasing and subleasing applicable to owners and occupants of the elder housing units. (As amended 9/13/89)

(f) Other projected benefits to the Town of the proposed development compared to alternative permitted uses at the same site, including possible increases in the available stock of affordable housing, so as to comply with the provisions of M.G.L, Chapter 40B and its implementing regulations as they may from time to time be amended. (As amended 9/13/89)

(g) Projected revenues to the Town in taxes or payments in lieu of taxes.

c. Procedure. The original and two copies of the application shall be filed with the Planning Board and with the Town Clerk. (As amended 8/19/87)

The Planning Board, acting as the Site Plan Approval Authority and Special Permit Granting Authority under this section, shall give notice, conduct public hearing and render a decision in conformity with Massachusetts General Laws Chapter 40A, Section 9 with Section XIII, C through G of this Bylaw.

d. Grant of Approval. The Planning Board shall grant an approval if it determines that the plan as proposed meets the standards for granting special permits and: (As amended 8/19/87)

a. The plan promotes the more efficient use of land in harmony with its natural features, water courses, scenic areas, natural vistas, existing rural character, and similar community assets within the general intent of the Zoning Bylaw and the long-range plan of the town.

b. The plan protects adjoining premises against serious detrimental effects by providing inter alia, surface water drainage, sound and sight barriers and preservation of views, light and air.

c. The plan provides for convenience and safety of vehicular and pedestrian movement within the site, and for appropriate location of driveway openings in relation to traffic or to adjacent streets.

d. The plan provides for adequate methods of disposal of refuse and other wastes.

e. The plan provides for suitable architectural design and a favorable relationship of structures and open space to the natural landscape, barriers and preservation of views, light and air.

3. Construction must commence within one year of the granting of the approval. Construction must be completed within two years of its commencement unless otherwise provided for in the approval.

Yes

"3.8 CONTINUING CARE RETIREMENT COMMUNITY

A. Purpose This by-law is established by the Town of West Boylston in order to achieve the following Purposes:

- 1. The provisions of a variety of housing choices for elderly persons.
- 2. The provisions of professional services routinely used by elderly persons.
- 3. The design of site plans and structures adapted to the needs of the elderly population.

B. Applicability

A.Continuing Care Retirement Community (CCRC), as defined herein, may be allowed upon a grant of a Special Permit by the Planning Board upon any parcel of land situated within a General Residence District or in the Single Residence District located southeasterly of Hartwell Street and westerly of Shrewsbury Street along the Worcester city line or in so much of the Industrial District located southeasterly of Hartwell Street and westerly of Shrewsbury Street as is located southeasterly of a line parallel to and 900 feet southeasterly of Hartwell Street.

**Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 5/20/02.

C. Definitions

For the purpose of this section of the by-law the following definitions shall apply:

ELDERLY PERSON : any person having reached the age of 55 years.

ELDERLY HOUSEHOLD : any household having at least one person 55 years or older.

CONTINUING CARE RETIREMENT COMMUNITY (CCRC) : a development comprised of a dwelling or dwellings with residential services operated or sponsored as a coordinated unit by a corporation or organization, having among its principal purposes the provision of housing and associated services for persons 55 years or older.

COORDINATED UNITS : a building or group of buildings under common management which provide housing and associated services which assist the elderly in maintaining an independent lifestyle.

ASSOCIATED SERVICES : a program of resident services primarily for the benefit of the residents of the CCRC.

D. Types of Dwellings, Uses And Associated Services Permitted

1. A CCRC may contain any or all of the following housing types, attached or detached, in any combination:

- a. Detached single family;
- b. Multi-family;

c. Congregate: a structure which provides a range of housing and support services. The structure may contain, but is not limited to, the following uses: dwelling units with kitchen facilities; bedrooms with a bathroom and sitting area or without kitchen facilities; common, social and recreational areas such as dining rooms, libraries, an indoor and outdoor recreation facilities and gardening areas;

d. Assisted or Cated Living; buildings or structures other than a hospital or nursing home/institution designed to accommodate assistance with one or more activities of daily living, such as dressing, eating, bathing, walking or toileting;

e. Nursing care: a facility which must be licensed by the Department of Public Health;

f. Living quarters for support staff.

A.CCRC may contain any or all of the following uses and associated services, individually or in any combination, as part of dwellings or as separate structures, including, but not limited to

- a. Dining rooms, coffee shops and related kitchen areas and facilities
- b. Living rooms, libraries, music rooms, auditoriums, greenhouses;

- c. Lounges, card rooms, meeting rooms, and other social and recreational areas;
- d. Administrative offices, social service offices, educational uses;
- e. Mail rooms, gift shops, convenience stores;
- f. Medical offices, diagnostic and treatment centers, wellness centers, exercise areas, home health care centers;
- g. Professional offices;
- h. Barbers, hairdressers, beauty salons; Banks and ATM banking machines;
- j. Home health care;
- k. Adult and child care services;
- l. Cleaning services
- m. Other uses, services and activities incident to the operation of a CCRC.

E. Design Objectives

1. Structure and site designs which blend the scale of residential units, institutional structures and professional office space;
2. Minimization of traffic impacts and safe design of all ways, vehicular and pedestrian;
3. Maximization of preservation of natural feeders and the protection of wetlands, scenic vistas and open spaces;
4. Structure and site designs which meet the specific needs of the elderly;
5. Site plan design which visually emphasizes building design and landscaped areas and minimizes the visual impact of parking areas;
6. Site plan design which creates open space by using cluster principals. At least 25% of the site shall be preserved as open space and maintained as natural vegetation or landscaped areas. Use of open space, except for passive recreation, plantings, footpaths, and agriculture shall be prohibited. Easements may be granted for the installation of underground utilities, provided all disturbed areas be restored to a natural state after construction. A restriction, enforceable by the Town of West Boylston, shall be recorded to ensure that such land shall be kept in an open, natural or landscaped state and not built upon for residential use or developed for accessory use such as parking or roadways. A landscape management plan shall be developed with restrictions to provide for maintenance of the open areas in a manner which will ensure its suitability for its function, appearance, cleanliness, and for proper maintenance of drainage, utilities and the like.
7. Site and structure design shall provide suitable means of access and egress to dwellings for handicapped persons. Enclosed walkways and/or in enclosed walkways connecting all buildings shall be permitted.
8. Structures shall be located on the site so as to provide for the privacy of residents adjacent to the CCRC.

F. Site Requirements

1. Minimum Lot Size: No CCRC shall be allowed on a parcel of land containing less than 10 acres.
2. Maximum number of units allowed shall be calculated by the following formula:

Detached single-family: 5,500 square feet per/DU Multi-family (4 units or less): 5,500 square feet per/DU Multi-family (more than 4 units): 4,000 square feet per/DU

3. Notwithstanding the provisions of Section 4.3, the number of habitable buildings on a lot and the maximum number of dwelling units permitted per habitable building shall be determined by the Planning Board on a case by case basis.
4. Non-residential uses: the total area devoted to non-residential uses located in the buildings may not exceed twenty-five percent (25%) of the total area of the living areas.
5. The open space requirement is substituted for the more conventional rear and side yard requirements in order to provide flexibility in the protection of natural features; to maintain significant open space areas for the enjoyment of the residents; and to promote a variety of site plans tailored to the needs of the elderly.

. While there are no yard requirements between buildings within the CCRC, all structures must conform to the Massachusetts Building Code with respect to building separation and fire walls.

7. Location and design of all structures shall be reviewed by the West Boylston Fire Chief with regard to accessibility of fire and other emergency vehicles.

8. No structure shall be more than thirty-five feet (35') in height measured from the average grade at the base of the building to the eave line.

9. Disposal areas shall be located in screened areas according to law standards contained in this zoning by-law.

G. Roadway and Parking Requirements

1. The following minimum parking standards shall apply to CCRC facilities approved under this section of the by-law. The Planning Board may waive the construction of parking until it is demonstrated that it is actually needed. Parking areas shall be designated as either to be constructed at the time of building construction or at a future date when it is demonstrated that it is needed. Where there is a mix of uses, the total parking area for the CCRC must equal or exceed the sum of the minimum requirements required by the following:

a. There shall be provided one parking space for each dwelling except as follows:

i. Congregate housing and assisted or catered living facilities: One (1) parking space for every five (5) beds and one (1) parking space for each employee on the largest shift.

ii. Nursing care facility: One (1) parking space for every twenty (20) beds and one (1) parking space for every employee on the largest shift.

iii. Congregate housing and assisted or catered living facilities: One (1) parking space for every five (5) beds and one (1) parking space for each employee on the largest shift.

2. All other parking and screening provisions of the West Boylston Zoning By-laws shall apply unless changed by this section.

3. Roads and utilities shall be designed and constructed in conformance with the Town of West Boylston Site Plan review standards. The Planning Board may modify said standards if it determines that such action will more acceptably meet the purposes of this section.

H. Sewage Disposal

1. No special permit for a CCRC may be granted unless the proposed developer is or is to be connected to a municipal sewer system. No on site subsurface sewage disposal system shall be allowed.

I. Signs

1. Signs will be regulated by Section 5.6 of the Zoning By-law.

J. Procedure

1. Application, submission requirements, and procedures contained in Section 3.6 Site Plan Review shall be followed before a Special Permit for a Continuing Care Retirement Community may be granted.

2. Plans submitted in connection with this section may be drawn as may be appropriate to the size of the site, with the consent of the Planning Board." From the Town of West Boylston's Zoning Bylaw, Section 3.8 (Last Amended 2003).

West Bridg

Does zoning include any provisions for housing that is restricted by age?

No

West Newb

Does zoning include any provisions for housing that is restricted by age?

Yes Density bonus in OSPD for age restricted units.
West Newbury Zoning Bylaw (Revised 2003)
Open Space Preservation Development (OSPD)
6.B.13. Increases in Permissible Density.

The Planning Board may award a density bonus to increase the number of dwelling units beyond the Basic Maximum Number. The density bonus for the OSPD shall not, in the aggregate, exceed fifty percent (50%) of the Basic Maximum Number. Computations shall be rounded to the lowest number. A density bonus may be awarded in the following circumstances:

a. For each additional ten percent (10%) of the site (over and above the required 50%) set aside as open space, a bonus of five percent (5%) of the Basic Maximum Number may be awarded; provided, however, that this density bonus shall not exceed 10% of the Basic Maximum Number.

b. For every two (2) dwelling units restricted to occupancy by person over the age of fifty-five, one (1) dwelling unit may be added as a density bonus; provided, however, that this density bonus shall not exceed 10% of the Basic Maximum Number.

c. For every two (2) dwelling units restricted to occupancy for a period of not less than fifteen (15) years by persons or families who qualify as low or moderate income, as those terms are defined for the area by the Commonwealth's Department of Housing and Community Development, one (1) dwelling unit may be added as a density bonus; provided, however, that this density bonus shall not exceed 10% of the Basic Maximum Number.

**Webmasters Note: The previous section 6.B has been added as per Case No. 1860 approved at special town meeting 10/29/01.

Westborou *Does zoning include any provisions for housing that is restricted by age?*

No Assistant Town Planner Derek Saari said that the community discussed the adoption of some sort of Senior Development in their 2003 Master Plan. (1/5/05)

Westford *Does zoning include any provisions for housing that is restricted by age?*

Yes Town of Westford Zoning Bylaw, Section 8.4 (Last Amended 2004)

"8.4 SENIOR RESIDENTIAL MULTIFAMILY OVERLAY DISTRICT (SRMOD)

8.4.1 Purpose. The purpose of the Senior Residential Multifamily Overlay District (SRMOD) is to provide an acceptable design for Senior Residential Multifamily Development (SRMD) within districts designated by the Town Meeting This design serve the public by

- 1 Providing a variety of housing opportunities within the Town for people who are 55 years of age and older
- 2 Encouraging better overall site planning
- 3 Preserving the natural and scenic amenities of the property
- 4 Providing suitable areas for both active and passive recreation.
- 5 Assuring maximum environmental protection

8.4.2 Town Meeting Action. The Town Meeting shall determine whether a specific parcel may be developed as part of the SRMOD after submission to it of a conceptual plan as defined herein, and such development may subsequently be allowed after site plan approval by the Planning Board, subject to the following procedures and requirements A petition or request for designation of such SRMOD shall, in each case, be made upon a conceptual plan, as hereinafter provided, and such petition or request shall constitute a proposed amendment to this Zoning Bylaw, in accordance with Section 1 6 The Petitioner for such amendment shall present evidence to the Town Meeting that such SRMOD designation will tend to meet both the purpose and the design requirements for SRMD under this section

8.4.3 Uses. Structures within a SRMD shall contain residential dwelling units, at least one owner and occupant of which is fifty-five (55) years of age or

older ("Senior Resident") All units shall be subject to Restrictive Covenants mandating said restriction, approved as to form by Town Counsel, recorded within the chain of title, which shall be enforceable by a Homeowners Association comprised of the owners of the units within the SRMD Said restriction shall also be enforceable by the Town as a condition for compliance with this Zoning Bylaw

8.4.4 Minimum Dimensional Requirements. SRMDs shall be allowed on parcels of land within the SRMOD meeting the standards set forth below

1 Density The number of dwelling units permissible shall not exceed the lesser of one (1) bedroom per eight thousand (8,000) square feet or two (2) dwelling units per acre, but not to exceed one hundred fifty (150) units total For purposes of the SRMOD, in order to be included in the calculations for density, the land area must contain at least 75% dry land, and not more than 25% wetland Wetlands in excess of 25% of the entire parcel shall not be used for purposes of calculating density For purposes of this paragraph only, one acre shall mean 40,000 square feet

2 Dimensional Controls The following dimensional controls shall apply

3 Buffer A buffer area of one hundred (100) feet shall be provided at the perimeter of the property, except for driveways/roadways necessary for access and egress to and from the site, provided, however, that existing structures and existing access roadways are exempt from the requirements set forth herein No vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance The Planning Board may waive the buffer requirement where the Planning Board determines that a smaller buffer will suffice to accomplish the objectives set forth herein

4 Other Requirements Except as inconsistent with the foregoing, the dimensional controls in the Table of Dimensional and Density Regulations for RA Districts shall apply

5 Condition As a condition of approval, the land within the SRMD which is used to meet the minimum dimensional requirements herein, or comprised of structures, roadways, driveways, necessary infrastructure or utilities (including sewerage treatment or disposal and stormwater management), and open space ("Restricted Land"), once used in accordance with the provisions of this Zoning Bylaw and the associated site plan review process, shall be subject to a restrictive covenant, approved as to form by Town Counsel, recorded within the chain of title, which shall be enforceable by the Town as a condition for compliance with this Zoning Bylaw Notwithstanding any inconsistent provisions of Zoning Bylaw, such a restrictive covenant shall prohibit the Restricted Land from being used for any other purposes other than a SRMD as approved hereunder, including residential accessory uses

8.4.5 Design Process. Each SRMD shall follow the design process outlined below When the development plan is submitted, applicants shall be prepared to demonstrate to the Planning Board that this design process was considered in determining the layout of proposed streets, dwelling locations, and contiguous open space

1 Understanding the Site The first step is to inventory existing site features, taking care to identify sensitive and noteworthy natural, scenic and cultural resources on the site, and to determine the connection of these important features to each other

2 Evaluating Site Context The second step is to evaluate the site in its larger context by identifying physical (e.g., stream corridors, wetlands), transportation (e.g. road and bicycle networks), and cultural (e.g., recreational opportunities) connections to surrounding land uses and activities

3 Designating the Open Space The third step is to identify the buffer areas and the contiguous open space to be preserved on the site Such open space should include the most sensitive and noteworthy resources of the site, and, where appropriate, areas that serve to extend neighborhood open space networks

4 Location of Development Areas The fourth step is to locate building sites, streets, parking areas, paths and other built features of the development The design should include a delineation of private yards, public streets and other areas, and shared amenities, so as to reflect an integrated community, with emphasis on consistency with Westford's historical development patterns

8.4.6 Design Requirements The following standards shall apply within the SRMOD

1 Water Supply SRMDs shall be served by a public water system or private communal water systems which conform to all applicable regulations of the Commonwealth of Massachusetts and the Town of Westford The Water supply shall be sufficient at all times to meet public water supply and fire protection requirements and, in that regard, shall incorporate the reasonable recommendations of the Town Water and Fire Departments All main service lines for water, sewer and utilities shall be underground or as otherwise approved by the Planning Board through the site plan review process

2 Drainage Natural surface drainage channels shall be either incorporated into the overall design or preserved as part of the common land The development area shall be served by storm sewers

Building Separation The distance-between buildings shall be a minimum of forty (40) feet, except that any building containing more than two (2) stories may not be closer than fifty-five (55) feet from any building

5 Parking Onsite paved parking areas, including at least two (2) parking spaces for every Dwelling Unit with minimum dimensions of nine by eighteen (9x18) feet and adequate provisions for aisles, drives, visitor parking, and snow disposal, shall be provided Separate buildings for parking may be permitted or located and designed so as to complement the building design and site layout as determined and approved by the Planning Board through the site plan review process Parking areas shall be designed so that parking for each

Dwelling Unit will be located within one hundred (100) feet of the entrance to such dwelling unit

5 Building Height No building shall exceed thirty-five (35) feet in height Dwelling units located in part below the upper finished grade on sloping sites shall be deemed one

(1) story

6 Dwelling Units per Building A SRMD may consist of any combination of single family, two family and multifamily residential structures A multifamily structure shall not contain more than five (5) dwelling units The architecture of all multifamily buildings shall be residential in character, particularly providing gabled roofs, predominantly wood siding, an articulated footprint and varied facades Residential structures shall be oriented toward the street serving the premises and not the required parking area

7 Dwelling Unit Space All dwelling units within multiple unit buildings shall have a minimum floor space area of seven hundred eighty (780) square feet

8 Bedrooms No SRMD shall have more than ten (10%) percent of the total number of dwelling units with three (3) bedrooms No dwelling unit may contain more than three (3) bedrooms A combined sleeping and living room in an efficiency or studio unit, so called, shall be considered one (1) bedroom, and any other separate room in any unit which is not a single living room or equipped kitchen and is shown on a plan as being for other than bedroom use but which, because of location, size or arrangement could, in the opinion of the Board, be used or adapted for use as a bedroom shall be considered as a bedroom for density calculations No attic, loft or other storage or similarly usable space shall be used as or altered to create regular bedroom space, nor shall the construction or other aspects facilitate such use or alteration

9 Screening All sewage facilities, service areas and equipment, trash, conveniences, parking, and recreational areas shall have screening as required by the Board, and as otherwise required by the Planning Board through the site plan review process

10 Landscaping The site shall be preserved and enhanced by retaining and protecting trees, shrubs ground cover, stone walls,-and other site features insofar as practicable Additional new plant materials shall be added for privacy, shade, beauty of building and grounds, and to screen features which the Board deems detrimental to the aesthetics of the development, and as otherwise required by the Planning Board through the site plan review process

11 Open Space All of the land within a SRMD which is not used to meet building separation requirements, and is not comprised of structures, roadways, driveways, necessary infrastructure or above ground utilities (including sewerage treatment or disposal and stormwater management) shall be considered as "Open Space" Open Space shall be laid out in such manner as to tend to assure compliance with the foregoing standards, to provide for pedestrian safety within the site and to provide an aesthetically pleasant setting for the SRMD within its neighborhood At least twenty (20%) percent of the land within the SRMD shall be designated as Open Space with a maximum of no more than twenty-five (25%) percent of said minimum required Open Space comprised of wetlands Such Open Space shall be located and shall be laid out so-as to provide for contiguous green areas uninterrupted to the degree practicable by roadways and structures Such Open Space shall meet the ownership and maintenance and conservation restriction requirements as provided for an Open Space Residential Development, Section 7 1, herein

12 Lighting Exterior lighting shall be of a nonglaring type, and shall be planned, installed and operated so as to best serve each building or group of buildings, as required by the Planning Board through the site plan review process Parking areas, drives and other roadways shall be designed and landscaped so that all dwellings units are reasonably screened from motor vehicle headlights and so that parking area lighting will not directly and unreasonably illuminate adjacent lots

13 Rubbish Disposal Rubbish and garbage disposal facilities with screening shall be provided in full conformity with all applicable health or other laws and regulations and shall be protected against scattering of contents, rodent or other unhealthy infestation or condition and odor transmission

14 Environmental Protection There shall be no filling, draining, altering or relocation of any stream, lake, pond, river, or wetland or work within applicable buffer zones except that performed in full compliance with applicable laws, the requirements of pertinent governmental agencies and the requirements of the Westford Conservation Commission Provisions for wastewater treatment and/or disposal shall be completed in accordance with the provisions of applicable regulations of the Commonwealth of Massachusetts Department of Environmental Protection and applicable regulations of the Westford Board of Health

15 Roads The principal roadway(s) serving the SRMD may be designed to conform with the standards of the Planning Board where the roadway is or may be ultimately intended for dedication and acceptance by the Town of Westford Private ways shall be adequate for the intended use and vehicular traffic and shall be maintained by an association of unit owners or by the applicant

15 Affordable Units. As part of the site plan approval, a minimum of fifteen (15%) of the total number of dwelling units shall be restricted for a period not less than thirty (30) years in the following manner

a 5% of the units shall be affordable to persons or families qualifying as low income,

b 5% of the units shall be affordable to persons or families qualifying as moderate income, and

c 5% of the units shall be affordable to persons or families qualifying as median income

The thirty year restriction shall be approved as to form by legal counsel to the Planning Board, and a right of first refusal upon the transfer of such restricted units shall be granted to the Westford Housing Authority for a period not less than 120 days after notice thereof

Affordable units shall be integrated into the overall development of the SRMD so as to prevent the physical segregation of such units The Applicant

shall be encouraged to seek designation of the units referenced in paragraphs a and b, above, as affordable units which qualify as part of the subsidized housing inventory as approved and complied by the Department of Housing and Community Development (DHCD) The Planning Board may require that the Applicant affirmatively take steps to utilize the Westford Housing Authority, a public agency, a nonprofit agency, limited dividend organization, or other appropriate entity, and through a Local Initiative Program Petition or other similar mechanism or program, cause application to be made to the DHCD, so as to timely furnish all forms and information necessary to promote the designation of those units referenced in paragraphs a and b, above, as affordable units qualifying as part of the subsidized housing inventory The Planning Board may require submission of application, forms and appropriate information to the DHCD as a condition of approval

8.4.7 Procedures for Approval An applicant proposing a SRMD shall first submit a petition to the Board of Selectmen in accordance with the provisions of G L c 40A, s 5 and G L c 39, s 10 requesting the designation of a specific parcel or parcels of land as a SRMOD The applicant shall thereafter submit to the Planning Board a Conceptual Plan, as described below Said Conceptual Plan shall be reviewed by the Planning Board prior to Town Meeting as described below Where the Town Meeting has thereafter approved a specific SRMOD, such development may subsequently be allowed only after site Plan approval by the Planning Board, as described below

1 Conceptual Plan Before Town Meeting may designate a specific SRMOD within which a SRMD may occur, the applicant shall first submit a Conceptual Plan, containing the information described below, to the Planning Board

a The Conceptual Plan shall be presented to the Planning Board at a public hearing held in accordance-with the provisions of G L c 40A,-s 5 regarding the proposed

SRMOD amendment, notice of which public hearing shall be provided by the applicant to the Westford Conservation Commission, the Westford Board of Health, and to the abutters to the development as appearing on the most recent local tax list

The purpose of said public hearing shall be to allow the Planning Board to make an informed recommendation to Town Meeting regarding the proposed SRMOD amendment and development thereof after considering comment and input from municipal boards, abutters and interested citizens

b The applicant-shall then present-to Town Meeting the Conceptual Plan as may be amended as a consequence of the comments and input received during the Planning

Board public hearing on said Conceptual Plan Designation as a SRMOD shall require a two-thirds (2/3) majority vote of the Town Meeting

c Once the Town Meeting has designated a specific SRMOD, the plan shall undergo site plan review=by the Planning Board in accordance with Section 9 4-of this Zoning Bylaw as a prerequisite to the use of such land for purposes of a SRMD

2 Conceptual Plan Contents Six (6) copies of a Conceptual Plan and text for the entire tract at a scale of one (1) inch equals one hundred (100) feet or larger, prepared by a registered architect or registered professional engineer and a registered land surveyor, showing at least the following, shall be submitted with a petition

a Site dimensions (perimeter site dimensions) on a map indicating zoning prior to

SRMOD designation, with scale, and north point The minimum scale shall be one

(1) inch equals one hundred (100) feet

b Building size and location and the number of dwelling units and number of bedrooms to be contained in each building, including setback measurements, distances between buildings and plan view exterior measurements of each building

c Internal roads, sidewalks, and parking areas (width dimensions of paving and indication of number of parking spaces)

d Proposed methods and means for supplying domestic water, for draining the area and for sewage disposal and the nature and extent of reliance on municipal facilities for those purposes

e Total site area in square footage and acres, and area to be set aside as Open Space and common land

f All resource areas and associated buffer zones on the site as defined by G L c 131, s

40, the Wetlands Protection Act, and the Town of Westford Wetland Bylaw and verified by the Westford Conservation Commission

g Percentage of lot coverage, including the percentage of the lot covered by buildings, and percentage of Open Space and common land

h The proposed residential density in terms of dwelling units and bedrooms per acre and the number of units proposed by type number of one bedroom units, two bedroom units, etc

i A map of the proposed SRMOD in which the proposed SRMD would be located, at the same scale as the adopted Zoning Map (see Section 2 2, and a map at the same scale as the Assessors' maps for the district indicating abutting streets and lots and the names of their owners, according to the most recent tax list

j Applicant's (or its representative's) name, address and phone number

k Five (5') foot contours on the tract and within fifty (50) feet beyond the site boundaries If the Board finds that such data cannot be obtained beyond site boundaries, the Board may accept such contours only to the site boundaries and accept such information as may be obtained from reliable sources to

represent the contours beyond the site boundaries

l Representation of all proposed facade elevations, indicating height of building and construction material of exterior facade
m Typical unit floor plan (floor plan must be indicated for each type of unit proposed, that is, one bedroom, two bedroom or more) Area in square feet of each typical unit must be indicated

n Proposed schedule for completing the proposed development, including therein as appropriate, designation of specific sections or buildings proposed to be completed for occupancy prior to overall completion

3 Sate Plan Review After designation by Town Meeting of a SRMOD, an application for review of the site plan by the Planning Board shall be submitted and reviewed in accordance with the procedures as set forth in Section 9 4 As an additional requirement for site plan review hereunder, the applicant shall notify the abutters to the development as appearing on the most recent local tax list, by certified mail, of the date, place and time of the Planning Board site plan review public meeting

4 Relation to Subdivision Control Act Planning Board approval of a site plan hereunder shall not substitute for compliance with the Subdivision Control Act nor oblige the Planning Board to approve any related definitive plan for subdivision nor reduce any time periods for Board consideration under the law For any project proposing a subdivision of a tract of land into two (2) or more lots as defined by G L c 41, s 81L, application for approval of a preliminary subdivision plan in accordance with the Subdivision Control Law and the applicable Rules and Regulations of the Westford Planning Board shall be submitted in satisfaction of-the Conceptual Plan requirements of this Section 8 4 For any project proposing a subdivision pursuant to the Subdivision Control Law, application for approve of a definitive plan in accordance with the Subdivision Control Law and the applicable Rules and Regulations of the Westford Planning Board shall be submitted in satisfaction of the site plan review requirements of this Section 8 4

5 Findings of the Planning Board The Planning Board may approve a site plan (or definitive subdivision plan) under thus Section 8 4 only if it finds that the applicant has designed the plan in substantial conformity with the Conceptual Plan presented to Town Meeting and finds that such plan substantially meets the requirements hereof."

Density bonus for age-restrictions in flexible zoning:

7.2 FLEXIBLE DEVELOPMENT

7.2.7 Density Bonus. The Planning Board may award a density bonus to increase the number of dwelling units beyond the Basic Maximum Number The density bonus for the Flexible Development shall not, in the aggregate, exceed fifty (50) percent of the Basic Maximum Number All dwelling units awarded-as-a density bonus shall be limited to not more than two bedrooms Computations shall be rounded to the next lower integer A density bonus may be awarded in the following circumstances

2 Age Restricted For every two (2) dwelling units restricted to occupancy by persons over the age of fifty-five, one (1) dwelling unit may be added as a density bonus, provided, however, that this density bonus shall not exceed ten (10) percent of the Basic Maximum Number

Weston

Does zoning include any provisions for housing that is restricted by age?

No

Westwood

Does zoning include any provisions for housing that is restricted by age?

Yes

From ordinance.com:

7.3 Senior Residential Development (SRD).

7.3.1 Special Permit. The development of a SRD requires the issuance of a special permit by the Planning Board in compliance with the provisions of this Section.

7.3.2 Conditions.

7.3.2.1 Occupancy shall be limited to persons who have reached the age of fifty-five (55) years and their spouses residing with them, respectively, and any physically or mentally handicapped close relative of a person who has reached the age of fifty-five (55) years, residing with such person. For purposes hereof, "close relative" shall mean a parent, grandparent, brother, sister, aunt or uncle, and shall include a person so related by legal adoption and by the half blood.

7.3.2.2 There shall be not more than two (2) bedrooms in any dwelling unit.

7.3.2.3 The SRD shall be developed as a Coordinated Unit, which shall mean a building or group of buildings under common management and serving a

common function.

7.3.2.4 No building shall have more than two (2) stories unless the topography of the land so permits three (3) stories provided that at least two (2) stories have entrances at ground level and all dwelling units shall have at least one (1) exterior wall entirely above ground level.

7.3.2.5 There shall be provided in all cases suitable means of access and egress to and from dwelling units for handicapped persons.

7.3.3 Types of Dwelling Permissible. The following types of dwellings may be authorized by special permit granted hereunder:

7.3.3.1 single-family detached houses;

7.3.3.2 two-family houses;

7.3.3.3 two-family semi-detached houses;

7.3.3.4 townhouse-type dwelling units;

7.3.3.5 garden apartments;

7.3.3.6 duplex-over-duplex type dwelling units; or

7.3.3.7 any combination of such housing types or other housing types determined by the Special Permit Granting Authority to be appropriate for SRD.

7.3.4 Specific Restrictions. SRD shall also be subject to the following specific restrictions:

7.3.4.1 The dwelling unit density shall not exceed sixteen (16) dwelling units per acre. To determine whether the dwelling unit density rate does not exceed this maximum, all land in the development lot or parcel not reasonably suited for residential development shall be excluded, and (subject to such exclusion), all land therein utilized for access and egress, parking, buffer strips or dedicated to public ownership as open space shall be included. The determination of compliance with this provision shall be made by the Planning Board, which shall take into consideration any graphic or analytic materials provided by the applicant.

7.3.4.2 Front yards may be reduced to not less than twenty (20) feet. The minimum distance between detached buildings, including the distance to buildings permissible on adjacent properties, shall be thirty (30) feet or the height of the taller building, whichever is greater.

7.3.4.3 There shall be provided at least one (1) off-street parking space for each bedroom in each dwelling unit (at least one (1) space for each unit), reserved for the use of such dwelling unit and within one hundred fifty (150) feet thereof.

7.3.4.4 The maximum permitted lot coverage for SRD shall be thirty percent (30%), including roads and parking areas.

7.3.4.5 Any special permit granted hereunder shall incorporate by reference the site plan approval.

7.3.5 Procedures. An application for a special permit for SRD shall be filed in accordance with the rules and regulations of the Special Permit Granting Authority.

7.3.6 Plans. An application for a special permit for SRD shall submit a plan in conformance with the rules and regulations of the Special Permit Granting Authority.

7.3.7 Decision Criteria. Special permits for SRD shall be granted by the Special Permit Granting Authority, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Bylaw, the determination shall include consideration of each of the following:

7.3.7.1 Impact on the quantity and quality of available housing choices for residents fifty-five (55) years of age and older, with a range of income levels and physical abilities;

7.3.7.2 Proximity of the proposed development to public transportation, open space, neighborhood shopping and service facilities;

7.3.7.3 Impact on the natural environment;

7.3.7.4 Impact on vehicular and pedestrian movement and safety;

7.3.7.5 Compatibility of the proposed development with the surrounding neighborhood;

7.3.8 Compliance with Subdivision Rules and Regulations.. Nothing contained herein shall in any way exempt a proposed SRD involving a subdivision from compliance with the rules and regulations of the Planning Board governing the subdivision of land or the rules and regulations . of any other Town board having jurisdiction. Nor shall this Section in any way affect the right of the Board of Health and of the Planning Board to approve, with or without

modifications, or disapprove a subdivision plan in accordance with the provisions of such rules and regulations and of the Subdivision Control Law.

7.4 Residential Retirement Community (RRC).

7.4.1 Special Permit. The development of a RRC requires the issuance of a special permit by the Board of Appeals in compliance with the provisions of this Section.

7.4.2 General. A RRC is a development of land comprising townhouse or apartment type dwellings, under-over type dwellings, multiple type dwellings, or any combination of such housing types, with resident services, operated or sponsored as a Coordinated Unit by a corporation or organization having among its principal purposes the provision of housing for retired and aging persons. Such facility may also include a restorative care center/skilled nursing facility. A Coordinated Unit is a building or group of buildings under common management and serving purposes which assist the elderly in maintaining an independent lifestyle. The program of resident services may include restorative care center/skilled nursing facility transportation, laundry, financial, barber/beautician, medical evaluation, home health, adult day care and respite care services, meals on wheels, both scheduled and unscheduled exercise, recreational, and educational activities, and other similar services or activities. These programs and services will be primarily for the benefit of residents of the RRC and/or the Town of Westwood.

7.4.3 Age Limitation. Occupancy of dwelling units shall be limited to persons who have reached the age of sixty-two (62) years and any close relative of a person who has reached the age of sixty-two (62) years, residing with such person. For purposes hereof, "close relative" shall mean a lineal ancestor, lineal descendant, brother, sister, aunt or uncle, and shall include a person so related by legal adoption and by the half blood.

7.4.4 Procedures. An application for a special permit for RRC shall be filed in accordance with the rules and regulations of the Special Permit Granting Authority.

7.4.5 Plans. An application for a special permit for RRC shall submit a plan in conformance with the rules and regulations of the Special Permit Granting Authority.

7.4.6 Decision Criteria. Special permits for RRC shall be granted by the Special Permit Granting Authority, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site.

7.4.7 Compliance with Subdivision Rules and Regulations. Nothing contained herein shall in any way exempt a proposed RRC involving a subdivision from compliance with the rules and regulations of the Planning Board governing the subdivision of land or the rules and regulations of any other Town board having jurisdiction. Nor shall this Section in any way affect the right of the Board of Health and of the Planning Board to approve, with or without modifications, or disapprove a subdivision plan in accordance with the provisions of such rules and regulations and of the Subdivision Control Law.

**Webmasters Note: The previous section, Section 7.0, has been amended as per an update approved at a town meeting held on 5/5/03.

In the Major Residential Development per Section 5 of the Town of Westwood Zoning Bylaw, Section 8.5 (Adopted 1961, Amended 2004).

"8.5.13 Incentive Units. The Planning Board may approve a MRD containing more than the maximum number of dwelling units based upon the following. The percentage increase over the maximum number of dwelling units allowed shall be equal to the total of the incentives earned under Section 8.5.13.1 and Section 8.5.13.2. An Applicant seeking any of these incentives shall submit calculations and any other documentation necessary to demonstrate qualification for the incentive. In no event shall the Planning Board allow an increase to the extent that the nonwetland lot area in the entire development is reduced below the following:

SRC District: 27,000 square feet per dwelling unit;

SRE District: 45,000 square feet per dwelling unit;

WRPOD: 40,000 square feet per dwelling unit;

Other locations: 10,000 square feet per dwelling unit.

8.5.13.1 Objective: Encourage diversity of dwelling type

Incentive equals 0.5 times the percentage of all dwelling units legally reserved for persons over the age of fifty-five (55)."

According to the Principal use regulations in the Westwood zoning bylaw on ordinance.com, section 5.2: Senior residential communities are allowed by special permit from the Planning Board in SRA, SRB, SRC, SRD, SRE, GR, SR districts. Residential retirement communities are allowed by special permit from the Board of Appeals in the ARO district.

FROM 2004 version on the Westwood website:

8.6 SENIOR RESIDENTIAL DEVELOPMENT (SRD)

8.6.1 Special Permit Required. A Senior Residential Development shall require the issuance of a special permit by the Planning Board in compliance with the provisions of this Section.

8.6.2 Conditions. A SRD shall be subject to the following conditions:

8.6.2.1 Occupancy shall be limited to persons who have reached the age of fiftyfive (55) years and their spouses residing with them, respectively, and any physically or mentally handicapped close relative of a person who has reached the age of fifty-five (55) years, residing with such person. For purposes hereof, "close relative" shall mean a parent, grandparent, brother, sister, aunt or uncle, and shall include a person so related by legal adoption and by the half blood.

8.6.2.2 There shall be not more than two (2) bedrooms in any dwelling unit.

8.6.2.3 The SRD shall be developed as a Coordinated Unit, which shall mean a building or group of buildings under common management and serving a common function.

8.6.2.4 No building shall have more than two (2) stories unless the topography of the land so permits three (3) stories provided that at least two (2) stories have entrances at ground level and all dwelling units shall have at least one (1) exterior wall entirely above ground level.

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8.6.2.5 There shall be provided in all cases suitable means of access and egress to and from dwelling units for handicapped persons.

8.6.3 Types of Permissible Dwellings. The following types of dwellings may be authorized by special permit granted hereunder:

8.6.3.1 single-family detached houses;

8.6.3.2 two-family houses;

8.6.3.3 two-family semi-detached houses;

8.6.3.4 townhouse-type dwelling units;

8.6.3.5 garden apartments;

8.6.3.6 duplex-over-duplex type dwelling units; or

8.6.3.7 any combination of such housing types or other housing types determined by the Planning Board to be appropriate for a SRD.

8.6.4 Specific Restrictions . A SRD shall also be subject to the following specific restrictions:

8.6.4.1 The dwelling unit density shall not exceed sixteen (16) dwelling units per acre. To determine whether the dwelling unit density rate does not exceed this maximum, all land in the development lot or parcel not reasonably suited for residential development shall be excluded, and (subject to such exclusion), all land therein utilized for access and egress, parking, buffer areas or dedicated to public ownership as open space shall be included.

The determination of compliance with this provision shall be made by the Planning Board, which shall take into consideration any graphic or analytic materials provided by the Applicant.

8.6.4.2 Front yard setbacks may be reduced to not less than twenty (20) feet. The minimum distance between detached buildings, including the distance to buildings permissible on adjacent properties, shall be thirty (30) feet or the height of the taller building, whichever is greater.

8.6.4.3 There shall be provided at least one (1) off-street parking space for each bedroom in each dwelling unit (at least one (1) space for each unit), reserved for the use of such dwelling unit and within one hundred fifty (150) feet thereof.

8.6.4.4 The maximum permitted lot coverage for a SRD shall be thirty percent (30%), including roadways and parking areas.

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8.6.4.5 Any special permit granted hereunder shall incorporate by reference the site plan approval.

8.6.5 Procedures. An application for a special permit for a SRD shall be filed in accordance with the rules and regulations of the Planning Board.

8.6.6 Plans. An application for a special permit for a SRD shall submit a plan in conformance with the rules and regulations of the Planning Board.

8.6.7 Decision. A special permit for a SRD shall be granted by the Planning Board, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the Town or the

neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Bylaw, the determination shall include consideration of each of the following:

8.6.7.1 Impact on the quantity and quality of available housing choices for residents fifty-five (55) years of age and older, with a range of income levels and physical abilities;

8.6.7.2 Proximity of the proposed development to public transportation, open space, neighborhood shopping and service facilities;

8.6.7.3 Impact on the natural environment;

8.6.7.4 Impact on vehicular and pedestrian movement and safety;

8.6.7.5 Compatibility of the proposed development with the surrounding neighborhood.

8.6.8 Compliance with Subdivision Rules and Regulations. Nothing contained herein shall in any way exempt a proposed SRD involving a subdivision from compliance with the rules and regulations of the Planning Board governing the subdivision of land or the rules and regulations of any other Town board having jurisdiction. Nor shall this Section in any way affect the right of the Board of Health and of the Planning Board to approve, with or without modifications, or disapprove a subdivision plan in accordance with the provisions of such rules and regulations and of the Subdivision Control Law.

8.7 RESIDENTIAL RETIREMENT COMMUNITY (RRC)

8.7.1 Special Permit Required. A Residential Retirement Community shall require the issuance of a special permit by the Board of Appeals in compliance with the provisions of this Section.

8.7.2 General. A RRC is a development of land comprising townhouse or apartment type dwellings, under-over type dwellings, multiple type dwellings, or any combination of such housing types, with resident services, operated or sponsored as a Coordinated Unit

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by a corporation or organization having among its principal purposes the provision of housing for retired and aging persons. Such facility may also include a restorative care center/skilled nursing facility. A Coordinated Unit is a building or group of buildings under common management and serving purposes which assist the elderly in maintaining an independent lifestyle. The program of resident services may include restorative care center/skilled nursing, transportation, laundry, financial, barber/beautician, medical evaluation, home health, adult day care and respite care services, meals on wheels, both scheduled and unscheduled exercise, recreational and educational activities, and other similar services or activities. These programs and services will be primarily for the benefit of residents of the RRC and/or the Town.

8.7.3 Restrictions. A RRC shall be subject to the following restrictions:

8.7.3.1 Age Limitation. Occupancy of dwelling units shall be limited to persons who have reached the age of sixty-two (62) years and any close relative of a person who has reached the age of sixty-two (62) years, residing with such person. For purposes hereof, "close relative" shall mean a lineal ancestor, lineal descendant, brother, sister, aunt or uncle, and shall include a person so related by legal adoption and by the half blood.

8.7.3.2 Lot Area. The minimum lot area shall be five (5) acres.

8.7.3.3 Lot Frontage. The minimum lot frontage shall be one hundred sixty (160) feet.

8.7.3.4 Building Height. The maximum building height shall be five (5) stories, provided that no more than sixty percent (60%) of the building footprint shall be built upon to a height in excess of four (4) stories. Building footprints shall be measured at the building foundation, but shall exclude covered walkways connecting adjacent buildings.

8.7.3.5 Density Limitation. The total number of dwelling units within a RRC shall not exceed four and one-half (4½) dwelling units per acre or one and one-half (1½) nursing facility beds per acre.

8.7.4 Procedures. An application for a special permit for a RRC shall be filed in accordance with the rules and regulations of the Board of Appeals.

8.7.5 Plans. An application for a special permit for a RRC shall submit a plan in conformance with the rules and regulations of the Board of Appeals.

8.7.6 Decision. A special permit for a RRC shall be granted by the Board of Appeals, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site.

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Westwood Zoning Bylaw w Revised through May 10, 2004

8.7.7 Compliance with Subdivision Rules and Regulations. Nothing contained herein shall in any way exempt a proposed RRC involving a subdivision from compliance with the rules and regulations of the Planning Board governing the subdivision of land or the rules and regulations of any other Town board having jurisdiction. Nor shall this Section in any way affect the right of the Board of Health and of the Planning Board to approve, with or without modifications, or disapprove a subdivision plan in accordance with the provisions of such rules and regulations and of the Subdivision Control Law.

Weymouth

Does zoning include any provisions for housing that is restricted by age?

No

Whitman

Does zoning include any provisions for housing that is restricted by age?

No

Wilmington

Does zoning include any provisions for housing that is restricted by age?

Yes

Wilmington Zoning Bylaw (2003)

SECTION 9. OVER 55 HOUSING DISTRICT

9.1 Purpose

The purpose of Over 55 housing is to enhance the public welfare by encouraging the development of choices of independent living accommodations for persons over the age of 55; and encouraging the development of housing that is suitable for persons over the age of 55 with low and moderate-income. It is further intended to promote the goals of the Master Plan; preserve land for conservation, open space, and recreation; preserve significant land and water resources, natural areas, scenic views, and historic sites; protect and enhance Wilmington's New England character; and reduce the typical costs of providing municipal services to residential developments.

9.2 Age Qualification

An Over 55 Housing development shall constitute housing intended for persons of age fifty-five or over within the meaning of Massachusetts General Law Chapter 151B, Sections 4, 16 and 42 USC S3607(b)(2)(c), and in accordance with the same, one hundred percent (100%) of the dwelling units in an Over 55 housing development shall each be owned and occupied by at least one person fifty-five years of age or older per dwelling unit, and such development shall be operated and maintained in all other respects in compliance with the requirements of said statutes and regulations promulgated pursuant thereto.

9.3 Boundaries

The Over 55 Housing District is herein established as an overlay district and shall be superimposed on the other districts established by this Bylaw. Over 55 Housing is prohibited at any other location in town. Boundaries are shown on the Zoning Map and include the following parcel:

A certain tract of land situated in Wilmington, Middlesex County, Massachusetts, shown as Lot 5 on the Town Assessor's Map No. 39, bounded as follows:

Beginning at the Northeasterly corner thereof, at a point along the Southerly location line of Cross Street,

Thence running Northeasterly along said location line about four hundred sixty-three and 83/100 (463.83) feet, more or less to a point,

Thence turning and running Southeasterly along land of Garrant, Yentile and Deharo approximately three hundred forty (340) feet, more or less, to a point,

Thence turning and running Southwesterly, Southerly and Southeasterly along land of Armoian, Gottchalk and AVCO Manufacturing Corp., seven courses about seven hundred thirty-eight and 17/100 (738.17) feet, more or less, to a point,

Thence turning and running Southeasterly along land of AVCO Manufacturing Corp., seven courses approximately six hundred seventy-one and 1/100 (671.01) feet, more or less, to Maple Meadow Brook,

Thence turning and running Southwesterly by said Maple Meadow Brook approximately one thousand sixty (1,060) feet, more or less, to a point on the Easterly location line of Main Street,

Thence turning and running Northwesterly along said location line of Main Street, eight courses approximately eight hundred fifty (850) feet, more or less, to a point,

Thence turning and running Southeasterly along land of PAC Properties, Inc. approximately two hundred eighty-one (281) feet, more or less, to a point

Thence turning and running Northwesterly along land of said PAC Properties, Inc. two courses, approximately four hundred three (403) feet, more or less, to the point of beginning.

Said tract of land containing twenty and 47/100 (20.47) acres, more or less.

9.4 Special Permit

9.4.1 The Planning Board may authorize an Over 55 Housing development pursuant to the granting of a Special Permit if the development is in accordance with all provisions below and in harmony with the purpose and intent of this bylaw.

9.4.2 The Planning Board may require changes to the Over 55 housing site plan and impose additional conditions, safeguards, and limitation as it deems necessary to achieve the objectives of this bylaw.

9.4.3 The Planning Board may adopt, and from time to time, amend, rules and regulations consistent with the provisions of this bylaw. Such rules and regulations shall prescribe the size, form, content, and number of copies of plans and specifications; the procedure for submission and approval of an Over 55 Housing special permit; and other specifications as deemed necessary by the Planning Board.

9.5 Permitted Uses

- a) Single family dwellings
- b) Duplex structures
- c) Multi-family structures

9.6 Dimensional Regulations

9.6.1 Minimum tract of land is ten (10) acres on one parcel or contiguous parcels of land.

9.6.2 Maximum density: Eight (8) units per acre, excluding all but 25% of wetland resource areas as defined in Massachusetts General Law Chapter 131 Section 40. All Over 55 developments shall include 10% affordable housing units.

9.6.3 Minimum setbacks:

9.6.3.1 Perimeter buffer: All buildings must be located a minimum of fifty feet from side and rear lot lines. The perimeter buffer shall remain in a natural state to preserve the visual character of the parcel being developed. If the Planning Board deems such existing buffering insufficient, it shall be supplemented with additional planting.

9.6.3.2 All buildings must be located twenty (20) feet from a street or driveway within the site.

9.6.3.3 All buildings must be located fifty (50) feet from any existing street.

9.6.3.4 Upon a finding by the Planning Board that a setback of lesser width would be sufficient to visually screen and/or separate the development from adjacent property, the setback may be reduced. The Board may require "no disturb" easements, conservation restrictions or the like where the setback has been reduced.

9.6.4 Minimum separation of buildings: 20 feet

9.6.5 Maximum height of buildings and structures: 36 feet, and 2 ½ stories.

9.6.6 Frontage – Minimum lot frontage to be fifty (50) feet.

9.6.7 The Planning Board may impose other dimensional requirements, as it deems appropriate to enhance the purpose and intent of this bylaw.

9.7 Parking requirements - 2.25 off-street parking spaces per dwelling unit.

9.8 Affordable Housing Density Bonus

9.8.1 For all Over 55 Housing Developments, the total number of allowable dwelling units may be increased by 25% if the applicant designates at least 25% of the total number of units for use as affordable housing.

9.8.2 Subject to Planning Board approval, an applicant for an Over 55 Housing special permit may utilize an available state or federal assistance program, or may choose to meet the affordable housing requirements by utilizing income and asset standards, and by establishing sales prices, entry fees, condominium fees and other costs that are consistent with available affordable housing assistance programs.

9.8.3 Over 55 Affordable Housing Units shall be maintained as affordable housing units for the life of the Over 55 Housing Development. Each Affordable Housing Unit shall be sold to its initial and all subsequent buyers subject to deed riders, restrictive covenants, contractual agreements or other mechanisms restricting the use and occupancy, sales prices, resale prices and other cost factors to ensure their long term affordability. These restrictions shall be in place for such maximum time as may be permitted under applicable state laws governing such restrictions. They shall be enforceable and renewable by the Town of Wilmington through standard procedures provided by applicable law.

9.8.3.1 The restrictions shall contain a right of first refusal to the Town of Wilmington or its designees at the restricted resale value, and a requirement that the owner provides notice of such right of refusal to the Town of Wilmington or its designee prior to selling the affordable unit. The town or its designee shall have 90 days to exercise the right of first refusal.

9.8.3.2 Nothing in this section shall be construed to cause eviction of an owner due to loss of his/her income status during the time of ownership. Rather the restrictions governing an affordable unit shall be enforced upon resale of the affordable unit. The mechanisms and remedies to enforce the restrictions governing an affordable unit shall be set forth in its deed restrictions.

9.8.3.3 All contractual agreements with the Town of Wilmington and other documents necessary to ensure the long term affordability of an affordable housing unit shall be executed prior to the issuance of any building permit for it.

9.8.4 Location

Affordable units shall be dispersed throughout the development to ensure a true mix of market-rate and affordable units. The exterior of affordable units shall be generally indistinguishable from market-rate units.

9.8.5 Local preference

Unless otherwise regulated by an applicable federal or state agency or law, at least 70% of the affordable units shall be initially offered to Wilmington residents. For the purposes of this section, "Wilmington residents" shall be defined as an employee of the Town of Wilmington, a current Wilmington resident, or the parent, child, sibling, spouse, aunt, uncle, nephew, niece, grandparent or great grandparent of a current Wilmington resident.

9.8.5.1 Residency shall be established through Town Clerk certification based on the Town Census, voter registration, or other acceptable evidence.

9.8.5.2 These restrictions shall be in force for 120 days from the date of the first offering of the sale of a particular affordable housing unit.

9.8.5.3 The developer shall submit a marketing plan to the Planning Board or its designee for approval to ensure a diligent effort is made to locate eligible purchasers for the affordable units who meet the local preference criteria and the applicable income requirements.

9.9 Stormwater Management

The development shall meet the Massachusetts Department of Environmental Protection (DEP) Stormwater Management Policies regardless of whether it is subject to the Wetlands Protection Act.

9.10 Private Roads

Road and driveways within an Over 55 development shall meet the grades, width, curvature, and construction standards as the Planning Board shall determine, based upon the standards provided in the regulations governing subdivisions, as the same may be waived or modified by the Planning Board to meet site conditions and design requirements.

9.11 Environmental Protection

The Planning Board, in granting a Special Permit for Over 55 Housing, may impose reasonable conditions to protect the environment and health, safety and welfare of the neighborhood, of the residents in the proposed development, and the general public.

9.12 Open Space Standards

9.12.1 A minimum of thirty-five percent (35%) of the tract shown on the development plan shall be open space.

9.12.2 Any proposed open space, unless conveyed to the Wilmington Conservation Commission, or a local or regional conservation land trust, shall be subject to a permanent recorded deed restriction enforceable by the town, providing that such be perpetually kept in an open state, that it shall be preserved exclusively for the purposes set forth herein, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

9.12.3 The percentage of the open space that is wetland shall be proportionate to, and shall not exceed, the percentage of the entire tract which is wetland. However, the Planning Board may waive this requirement if it determines that such waiver would promote the purposes of this bylaw.

9.12.4 The open space shall be contiguous. For the purposes of this subsection, open space shall be considered "contiguous" if it is separated by a roadway, driveway, pathway, or accessory amenity. The Planning Board may waive this requirement for all or part of the required open space where it is determined that allowing non-contiguous open space will promote the goals of this bylaw and/or protect identified conservation areas.

9.12.5 The bulk of the open space shall not be in buffer strips, undeveloped "fingers" between structures, or other narrow linear forms.

9.12.6 The open space shall be used primarily for wildlife habitat, conservation, and passive recreation. The Planning Board shall also permit where it deems appropriate the following uses: historic preservation, outdoor education, active recreation, parks, agriculture, horticulture, or a combination of these uses. The open space shall be served by suitable access for all stated purposes. If the open space is conveyed to the Conservation Commission or a local regional land trust, provisions for public access shall be made, including signage. The Planning Board may permit up to 10% of the open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space (i.e., pedestrian walks, bike paths, and parking for public visitors to the open space).

9.13 Design Criteria

9.13.1 All buildings in an Over 55 development to be compatible in style, building materials, and colors with those in Wilmington, and to provide variations of façade and roof lines to enhance the architectural character.

9.13.2 Site design to provide an inter-relationship between the buildings so as to provide a sense of community, adequate light, circulation, privacy, and separation between buildings.

9.13.3 The Planning Board may impose appropriate standards for all outdoor lighting within an Over 55 development.

9.13.4 Maintenance responsibilities – Maintenance of the premises, including, but not limited to, roadway maintenance and repair, snowplowing, trash removal/recycling pick-up and any other amenities of the Project is the responsibility of the owner/condominium association.

9.14 Performance Guarantee

Before the issuance of any building permits for Over 55 Housing, the applicant shall secure the required improvements for streets, ways, drainage, and other items specified by the Planning Board with a performance guarantee.

9.15 Revisions and Amendments

Following the approval of an Over 55 housing development, any change in the layout of streets and ways; in the configuration or ownership of the open space; or any change which would alter the character of the development, shall require the written approval of the Planning Board. The Planning Board may, upon its own determination, require a public hearing pursuant to special permit requirements if it finds that the proposed changes are substantial in nature and of public concern.

Winchester

Does zoning include any provisions for housing that is restricted by age?

Yes

Winchester Zoning Bylaw (2003)

1.44 Independent Elderly Housing District (IEH) - The IEH is herein established as an Overlay Zoning District as per vote of Town Meeting. The application of an IEH District to the Zoning Map shall not restrict the uses allowed by right or special permit in the underlying zones. However, properties designated within the IEH may apply for a special permit to build assisted living and elderly housing consistent with Section 6.3 of this by-law.

**Webmasters Note: The previous section has been amended as per an update approved at a town meeting held on 11/3/03.

6.3 Independent Elderly Housing - Overlay District and Special Permit

6.31 Purpose

To provide an alternative and supplement to the assisted living and public elderly housing facilities in Winchester in a manner that encourages the preservation of open space and is consistent with the scale of residential development in the community.

****Webmasters Note:** The previous subsection has been amended as per an update approved at a town meeting held on 11/3/03.

6.32 Applicability

Assisted living and elderly housing shall be permitted only in areas designated on the zoning map as Independent Elderly Housing Overlay District (IEH). Said Overlay Zoning District shall not deny to the owners of property the uses allowed by right or special permit in the underlying zones. However, properties designated within the Overlay District may also apply for a special permit to construct assisted living and elderly housing consistent with the guidelines of Section 6.33 of this by-law. In addition to the special permit criteria listed in Section 6.33, a special permit for assisted living and elderly housing in the IEH Overlay Zoning District is subject to the provisions and procedures established for special permits in this by-law.

****Webmasters Note:** The previous subsection has been amended as per an update approved at a town meeting held on 11/3/03.

6.33 Special Permit Criteria

(a) Minimum Parcel or Lot Size: Five (5) Acres

(b) Minimum Open Space: A minimum of 65 percent of the total site area shall be set aside for open space as defined by this by-law and shall not include any parking area as described in subsection (d) below.

(c) Development Capacity: The maximum allowable development capacity shall be 12 dwelling units per acre. Development capacity shall be a function of the lot size multiplied by the dwelling unit per acre allowance, but in no instance shall any project exceed a combined 150 assisted living and elderly housing dwelling units.

****Webmasters Note:** The previous subsection has been amended as per an update approved at a town meeting held on 11/3/03.

(d) Minimum Off-Street Parking: A minimum of .50 parking spaces per dwelling unit shall be provided. Further, all site plans shall indicate an area where an additional .25 parking spaces per dwelling unit can be provided. The area set aside for additional parking shall remain as open space unless within a five year period of the granting of the special permit the Board of Appeal requires that all or part of said area be developed for off-street parking purposes.

(e) Minimum Setbacks: No building or structure shall be located within 100 feet of the perimeter legal lot lines of a development within the IEH Overlay Zoning District. Said setbacks may be calculated as part of the minimum open space requirement, if they remain as open and undeveloped areas. Parking may be permitted in the minimum setbacks but not within fifty feet of the perimeter legal lot lines and shall be well buffered. Further, the portion of the minimum setback that may be used for parking shall not be calculated as part of the required open space, see (b) above.

****Webmasters Note:** The previous subsection has been amended as per an update approved at a town meeting held on 11/3/03.

(f) Maximum Height: Three stories but not more than forty (40) feet.

(g) Maximum Lot Area Coverage: Not more than 15 percent of the total lot area may be devoted to buildings or structures; this requirement shall not apply to at grade or below grade parking areas but shall apply to garage parking above grade.

(h) Minimum Lot Frontage: Frontage on an approved way shall be a least 200 feet. Lots having one half or more frontage on a circular turnaround or curve of less than 100 feet radius, may be reduced to a minimum frontage of 50 feet, provided that the minimum lot width otherwise required is maintained at the front yard setback line.

(i) Permitted Uses:

(1) Multi-family residential structures intended for assisted living or elderly residents.

****Webmasters Note:** The previous subsection has been amended as per an update approved at a town meeting held on 11/3/03.

(2) Retail and personal service commercial uses provided that there are no exterior signs indicating the nature of the commercial activity beyond one square foot in size, and further that the sum total of the retail and personal service areas does not exceed 2 percent of gross square feet of the project, excluding basements and parking areas.

(3) Recreation facilities, dining rooms, for on-premise use only, kitchens, pools, meeting and function rooms, administrative offices, and medical facilities for diagnosis, out-patient services, and in-home care, including without limitation assistance for memory-impaired residents.

****Webmasters Note:** The previous subsection has been amended as per an update approved at a town meeting held on 11/3/03.

(j) Affordable Housing Requirements

(1) Affordable Housing Options

The applicant shall be required, as a condition of the special permit, to provide affordable housing in Winchester. Specifically, the applicant shall provide affordable housing through one of, or a combination of, the following methods with preference given to provisions of on site units:

(a) Setting aside a determined number of dwelling units up to 10 percent in the IEH project for rental by the Board of Selectmen. In this instance the applicant shall transfer an amount to the Winchester Housing Fund consistent with the criteria of section (2) (a) below. The Board of Selectmen shall have the authority to use said amount to rent units in the IEH project at the market rate. Alternatively, the Board of Selectmen shall have the right to negotiate arrangements for rent reduction in said units in lieu of the amount that would have been transferred to the Winchester Housing Fund.

(b) Consistent with (2) (a) below, transferring ownership to the Board of Selectmen of a dwelling unit or dwelling units for affordable housing purposes. The dwelling units may be newly constructed or derived from existing stock in the community.

(c) Payment into the Winchester Housing Fund an amount consistent with the section (2) (a).

(2) Affordable Housing Procedure and Determinations

(a) The Board of Appeal (Board) shall determine the estimated construction costs of all buildings and further shall determine an amount that represents 5 percent of said costs. As the basis for its determination, the Board of Appeal shall use the appropriate current year edition of Building Construction Cost Data published by the R. S. Means Company of Kingston, Massachusetts. Using said construction cost data, and specifically, the median of the upper quartile costs associated with the construction of housing for the elderly, the Board shall calculate 5 percent of said construction costs. The resulting dollar value expressed in whole dollars shall be known as the base value. If the applicant requests a change in the original special permit, the base value shall be recalculated.

(b) The applicant shall be required to transfer ownership to the Board of Selectmen or purchase and transfer, dwelling units in the community that are equivalent in value to the determined base value. However, to provide flexibility in meeting the above requirement, the Board of Selectmen may allow the applicant to construct and transfer, or purchase and transfer, dwelling units that represent not less than 75 percent of the base value given a written agreement indicating that the balance of the base value will be invested into the required dwelling units as interior or exterior improvements. If said improvements are not required or if there is a balance of funds after the improvements are made, said funds shall be transferred to the Winchester Housing Fund (Fund). Further, the Board of Selectmen may, at its discretion, require that the entire base value be transferred to the Fund; or that the base value be transferred to the Fund with the stipulation that said base value amount be invested and that the interest or portion of the interest earned be used to rent units in an assisted living or elderly housing project in the IEH Overlay Zoning District at market rates.

**Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 11/3/03.

(3) Appraisals

In the instance where the base value is used to purchase housing and to insure the Town is receiving proper value, the Board of Selectmen shall hire a professional real estate appraiser to determine the value of all dwelling units intended to meet the requirements of this by-law. The Board of Selectmen shall hire the said appraiser within seven days of the applicant's submission, in writing, of a residential property intended to meet the requirements of this subsection; said submission shall be to the Town Manager. The Town Manager may use the base value funds to pay for the appraisal, or may reduce the base value by the amount necessary to pay for the appraisal and require the applicant to pay the appraiser selected by the Town Manager. If applicants disagree with the appraisal provided by the Town, they shall have the right to provide their own professionally prepared appraisal. If said appraisals differ by more than ten percent, a third appraisal undertaken by a mutually acceptable professional appraiser shall be undertaken. The cost of the third appraisal, if necessary, shall be shared by the Town and the Applicant. The third appraisal shall be binding on both parties. However, if the first and second appraisals do not differ by more than ten percent, the base value shall be considered as the average value of the two appraisals.

(4) Type of Dwelling Units

The type of dwelling units required of the applicant shall be determined by the Board of Selectmen after consultation with the Winchester Housing Authority on a project by project basis.

(5) Letter of Credit or Escrow Account

The applicant shall be required to secure a Letter of Credit for the entire base value amount. If the applicant is unable to secure a Letter of Credit, the Board of Selectmen may permit the applicant to establish an escrow account in the full amount of the base value.

(a) The Board of Selectmen shall have the authority to require the applicant to draw on the Letter of Credit or escrow account only for the purpose of purchasing new or existing housing stock to be transferred to the Board of Selectmen or to transfer funds to the Winchester Housing Fund.

(b) The applicant shall establish the Letter of Credit or escrow account before the issuance of the building permit. In the instance where the applicant is required to transfer the entire base value amount to the Winchester Housing Fund, the amount shall be transferred prior to the issuance of the temporary or permanent occupancy permit.

(c) In the instance where the applicant is required to transfer housing units, the total amount of the base value amount shall be expended for this purpose within six months of the issuance of the temporary or permanent occupancy permit.

(d) If the Board of Selectmen does not direct the purchase of housing units before the final expenditure date noted above, the full balance of the Letter of Credit or escrow account shall be transferred by the applicant to the Winchester Housing Fund.

Winthrop

Does zoning include any provisions for housing that is restricted by age?

No

Woburn

Does zoning include any provisions for housing that is restricted by age?

No

According to the City of Woburn 1985 Zoning Ordinances, Section 5.1 (amendments through 2004), "Table of Use Regulations" congregate elderly housing is allowed by special permit in the S-1 District.

Definition from the ordinance:

CONGREGATE ELDERLY APARTMENTS: A dwelling which contains three or more dwelling units arranged, intended or designed to create a residential environment for the elderly which includes services such as meals, housekeeping, transportation and organized recreation programs. It is neither a care home or medical facility, but a facility commonly known as "congregate housing".

Worcester

Does zoning include any provisions for housing that is restricted by age?

Yes

City of Worcester Zoning Ordinance (Adopted 1991, Amended 2004)

CONTINUING CARE RETIREMENT COMMUNITY – A development of land comprising a dwelling or dwellings with residential services operated or sponsored as a coordinated unit by a corporation or organization having among its principal purposes the provision of housing and associate services for retired and aging persons, with occupancy of dwelling units limited to persons, at least one of whom shall have attained the age of fiftyfive (55) years, and as further provided in Article X.

"ARTICLE X CONTINUING CARE RETIREMENT COMMUNITY

Section 1 – Intent and Applicability

The intent of this section is to allow flexibility in development of parcels for housing and related services of retired and aging persons, with particular interest in meeting the needs of residents of Worcester. A Continuing Care Retirement Community (CCRC), as defined herein, may be allowed upon grant of a special permit by the Planning Board.

Section 2 – Definition

As used in this Ordinance, Continuing Care Retirement Community (CCRC) shall mean a development on a parcel of land three (3) acres or greater comprised of a dwelling or dwellings with residential services operated or sponsored as a coordinated unit by a corporation or organization having among its principal purposes the provision of housing and associated services for retired and aging persons with occupancy of dwelling units limited to persons, at least one of whom shall have attained the age of fifty-five (55) years. Coordinated unit means a building or group of buildings under common management and serving purposes which assist the elderly in maintaining an independent lifestyle. The program of resident services may include:

1. Restorative care center/skilled nursing facility
2. Transportation
3. Financial
4. Barber/beautician
5. Medical evaluation/health care maintenance
6. Home health
7. Assisted Care
8. Adult day care and respite care services
9. Food services
10. Cleaning services
11. Exercise, recreational, educational and social services
12. Other services, activities and accessory uses incidental to the operation of a Continuing Care Retirement Community

These services will be primarily for the benefit of residents of the Continuing Care Retirement Community (CCRC) and/or the City of Worcester.

Section 3 - Types of Dwellings and Facilities Permitted Notwithstanding any restriction on uses permitted in the underlying zoning district, a special permit granted by the Planning Board may allow the construction of detached or attached dwellings of any combination, and

may also allow the construction of a restorative care center/skilled nursing facility/clinic, assisted living facility and buildings to accommodate resident services. There shall be provided in appropriate cases suitable means of access and egress to, from and within dwellings for handicapped persons. Enclosed walkways and/or unenclosed walkways connecting buildings shall be permitted.

Section 4 – Specific Restrictions

In lieu of a development under conventional dimensional controls as provided in Article III and IV, a Continuing Care Retirement Community (CCRC) as provided herein shall also be subject to the following specific restrictions.

1. Density and Parcel Size

A CCRC shall have a parcel of three (3) acres or greater. The allowable number of dwelling units in a CCRC shall be determined, using the following formula:

$$\text{Maximum Units} = 2 \times [(\text{Parcel Size} \times .8) / \text{Minimum Lot Size Permitted In Zoning District of Parcel}]$$

(rounded to next lowest integer) An increase in the number of units of up to twenty-five (25) percent of the number of maximum units calculated by the above formula may be allowed. Such an increase will be based upon each unit so granted being affordable housing. In RG 5-0 zones the maximum density bonus shall be limited to fifteen (15%) percent to prevent overcrowding. In granting such increases the Planning Board shall require that the developer provide legally enforceable assurances that the units so granted will continue to be affordable housing, as herein defined. In addition the number of beds, exclusive of existing beds, in the restorative care center/skilled nursing facility development density shall not exceed thirty-three percent (33%) of the numbered units in the CCRC. The gross acreage of the parcel shall be used in calculating the density.

2. Lot Coverage and Open Space Requirements

Buildings shall be sited using cluster principles. At least twenty-five (25) percent of the site shall be preserved as open space. A minimum of seventy-five (75) percent of the open space shall be maintained as a natural vegetation area except that plantings, passive recreational uses (as may be permitted and/or required by the Planning Board under the provisions of Site Plan Approval, Article V), the installation, repair and maintenance of footpaths, underground utilities, access ways (if required by the City of Worcester or other governmental agency), drainage structures and facilities and such other construction as may be permitted and/or required by the Planning Board under the provisions of Article V, Site Plan Approval are permitted. However, such portions of the open space as shall have been disturbed for purposes so permitted shall be restored to former conditions as nearly as may be reasonably practicable. The open space shall be protected by a recorded restriction enforceable by the City of Worcester.

3. Parking

There shall be at least one (1) off-street parking space per dwelling unit. Any restorative care center/skilled nursing facility shall have at least point three three (.33) off-street parking spaces for each bed.

4. Roads and Utilities

Roads and utilities shall be designed and constructed in conformance with the City of Worcester Subdivision Rules and Regulations. The Planning Board may modify said rules and regulations if it determines that such action will more acceptably meet the purposes of the Article.

Section 5 – Other Objectives [... items 'it is desirable' to have in plan...]"

-Definitions, and Article X. Amended Nov 16, 1993

Wrentham

Does zoning include any provisions for housing that is restricted by age?

Yes

Wrentham Zoning Bylaw, Section 13.6 (adopted 1978):

13.6 SENIOR LIVING COMMUNITY [Added STM 4/27/98]

13.6.1 PURPOSE

In order to provide for the PUBLIC interest by making it possible to create residential communities for elder citizens in which ASSISTANCE WITH ACTIVITIES OF DAILY LIVING or ASSISTANCE WITH INSTRUMENTAL ACTIVITIES OF DAILY LIVING is made available to such residents, there is hereby created the residential use category of SENIOR LIVING COMMUNITY (SLC). The following regulations are established for creating each SLC within the Town of Wrentham.

13.6.2 GENERAL REQUIREMENTS

The PLANNING BOARD may issue a Special Permit for conversion of a NURSING HOME into a SENIOR LIVING COMMUNITY, or the creation of a new SENIOR LIVING COMMUNITY provided that each of the following conditions and requirements are met. Notwithstanding other provisions of the Zoning By-law to the contrary:

- a. A SENIOR LIVING COMMUNITY shall be developed on the same or contiguous parcel of land as, and shall be operated in conjunction with, an existing NURSING HOME or duly certified ASSISTED LIVING RESIDENCE.
- b. A SENIOR LIVING COMMUNITY shall consist of attached single story single family residential dwelling units arranged in buildings containing no more than six (6) dwelling units per building; provided that accessory buildings for recreation, meals and social purposes may also be included within a SENIOR LIVING COMMUNITY. Each such dwelling unit shall contain no more than two (2) bedrooms and no more than three (3) additional rooms, excluding kitchen, bathrooms and utility rooms.

c. The head of household of each dwelling unit in a SENIOR LIVING COMMUNITY shall be fifty-five years of age or older.

13.6.3 DEVELOPMENT REGULATIONS FOR SENIOR LIVING COMMUNITIES

The development regulations set forth in Article 6 of this Zoning By-law for each Zoning District shall apply to a SENIOR LIVING COMMUNITY, unless otherwise stated in the following table:

SENIOR LIVING COMMUNITY DEVELOPMENTAL REGULATIONS TABLE

By Special Permit, the Planning Board may allow sewage treatment facilities approved by the Massachusetts Department of Environmental Protection in a SENIOR LIVING COMMUNITY from the requirement, set forth in Article 15.5, b.13 to the contrary. By Special Permit, the Planning Board may exempt a SENIOR LIVING COMMUNITY from the requirement, set forth in Article 6.4e., that parking areas for more than ten vehicles and associated DRIVEWAYS be constructed to the standard for construction of collector STREETS.

SENIOR LIVING COMMUNITY : A residential community designed for occupancy by individuals 55 years of age or older that make available ASSISTANCE WITH ACTIVITIES OF DAILY LIVING or ASSISTANCE WITH INSTRUMENTAL ACTIVITIES OF DAILY LIVING and is developed in conjunction with a NURSING HOME or ASSISTED LIVING RESIDENCE licensed or regulated by the Commonwealth of Massachusetts.
