

9.13 AGE RESTRICTED HOUSING COMMUNITY (ARHC)

A master-planned development of land as a unified residential community, constructed expressly for use and residence by persons who have achieved a minimum age of fifty five (55) years, 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. An Age Restricted Housing Community shall be permitted only within the Age Restricted Housing Community Overlay District and only upon the granting of a special permit by the Zoning Board of Appeals.

9.13-1 Purpose

The purposes of the Age Restricted Housing Community Overlay District are:

- a. To increase the variety of housing choices for citizens who are 55 years of age and older;
- b. To provide well-designed homes affordable to residents who wish to remain in the community;
- c. To recognize the importance of diversity and variety in the design of Age Restricted housing communities;
- d. To provide housing which reduces residents' burdens of building and yard maintenance and which minimizes demands on municipal services;
- e. To promote flexible and efficient use of land while maintaining a respect for its natural beauty.
- f. To provide for building at a higher density than would normally be allowed, and allow greater flexibility in site planning to promote affordable housing and the preservation of open space and historic resources within the development; and
- g. To provide for the review of all such 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.

9.14 APPLICABILITY

The Zoning Board of Appeals (hereafter in this Section called the Board), acting as Special Permit Granting Authority, may grant a Special Permit for construction of a Age Restricted Housing Community (ARHC) and accessory structures, in the Age restricted Housing Community Overlay District as defined below:

9.14-1 Age Restricted Housing Community Overlay District Delineation:

The age restricted housing community overlay district shall be defined as the areas of town serviced at a public way by Williamsburg public sewer and Williamsburg public water.

9.14-2 Special Permit Approval:

Approval by the Board of a special permit hereunder shall not substitute for compliance with MGL Chapter 41: subdivision control laws, nor reduce any time periods for board consideration under the law.

9.14-3 Uses in the ARHC Overlay District:

Non-residential uses may be permitted in the ARHC development upon the issuance of a Special Permit by the Zoning Board of Appeals, provided that such use shall be consistent only with those uses allowed by right and by Special Permit in the Village Residential zone and the gross square footage of the proposed use does not exceed 4% of the gross **building** square footage of the ARHC.

9.14-4 Age Qualification:

An ARHC shall constitute housing intended for persons of age fifty-five or over **in accordance with M.G.L. chapter 151B, section 9, sub-section 6**. One hundred percent (100%) of the dwelling units in an Age Restricted Housing Community shall each be occupied by at least one person fifty-five (55) years of age or older except in the event of the death of the qualifying occupant of a dwelling unit, or foreclosure or other involuntary transfer of a dwelling unit, a two (2) year exemption shall be allowed to facilitate the transfer of the dwelling unit to another eligible household.

9.14-5 Applicant Qualifications:

The applicant for a Special Permit for an ARHC shall be the owner of the land proposed for such development or be authorized in writing by the owner to apply for and be issued such Special Permit.

9.14-6 Maximum Number of ARHC Dwelling Units in the Town of Williamsburg:

The maximum number of permitted housing units within all permitted ARHC developments in the Town of Williamsburg shall be limited to a number equivalent to five percent (5%) of the existing residential units (excluding ARHC units) located in the Town of Williamsburg. For the purpose of this Bylaw, the number of residential units shall be as established by the Board of Assessors as of January 1 of each calendar year.

9.14-7 Affordability Requirement:

A proposal shall, at a minimum, set aside fifteen percent (15%), with a minimum of one (1) unit per development, of the total number of dwelling units provided on the site as affordable Age Restricted housing. For the purposes of this Section, affordable Age Restricted 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 Age Restricted 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 thirty (30) percent of the income limit. Affordable Age Restricted units shall be dispersed throughout the ARHC and shall be externally indistinguishable from the market rate units. The property owner shall seek the services of a third party entity such as a local community development corporation to manage the assignment of affordable age restricted units.

9.14-8 Permanent Age Restriction:

Each dwelling unit within an ARHC shall be subject to a permanent age restriction, described in a deed, deed rider or lease, and the organizational documents for the ARHC shall be recorded with the Hampshire Registry of Deeds or run with the land for a minimum period of 99 years and shall be enforceable by any or all of the owners of the ARHC or by the Town.

9.15 DIMENSIONAL REGULATIONS AND DEVELOPMENT REQUIREMENTS

Except as noted below, an ARHC shall comply with all applicable dimensional regulations and development requirements listed in the Rules and Regulations Governing the Subdivision of Land in the Town of Williamsburg, Massachusetts.

- a. **Lot Area:** At the time of granting a special permit by the Zoning Board of Appeals, the property under consideration for an ARHC shall be located on one or more contiguous parcels, whether or not separated by a public or private way, having an area of at least five (5) acres.
- b. **Lot Frontage:** An ARHC shall have a minimum frontage of not less than 100 feet.
- c. **Setbacks:** There shall be no minimum standards for internal lot line setbacks within the ARHC, however the distribution of buildings and lots within the ARHC shall be distributed in a manner designed to enhance the primary and secondary resources as defined in Section 9.62 and 9.63. There shall be a minimum of 30 feet between the edge of the access drive and any abutting property line.
- d. **Lot Width:** The lot or combination of lots upon which an ARHC is located shall maintain a minimum width of open land between the limits of work of the ARHC and any adjacent property of 50 feet, except for access to the development.
- e. **Open Space:** At least 50% of an ARHC lot shall be maintained as open space as defined in Section 9.5.
- f. **Number of Dwelling Units:** The maximum number of dwelling units allowed in an ARHC is 40. The minimum number of dwelling units allowed in an ARHC is 7.
- g. **Distribution of Dwelling Unit Types:** In an ARHC development, the distribution of dwelling unit types shall be at the discretion of the applicant, except for the following standards:
 1. At least 50% of the units constructed shall be single-family or two-family dwellings.
- h. **Parking:** Parking for motor vehicles shall be provided as follows:
 - o Two (2) spaces per dwelling unit.
 - o Guest parking – One (1) space per six (6) dwelling units.
 - o Common Facility parking – Additional parking spaces shall be provided at shared or common facilities (swimming pool, clubhouse, etc.) within the ARHC provided that no common facility lot shall contain more than twelve (12) spaces.

All driveways must meet the performance standards for parking lots set forth in the Williamsburg Zoning Bylaw, Section 10.

9.15-1 Roadways and Lot Access:

All proposed roads shall comply with Section 8 of the Construction Standards as contained in the Rules and Regulations Governing the Subdivision of Land in the Town of Williamsburg and the roadways must be named. The construction and maintenance of roads, driveways, alleyways, and parking areas in an ARHC is the sole responsibility of the project applicant or an association of dwelling unit owners.

9.15-2 Natural and Neighborhood Features:

The plan for an ARHC shall be designed to maximize the preservation of natural and neighborhood features. To the extent possible, existing vegetation should be retained where such growth provides a benefit to the natural environment. In developed areas, the design of the ARHC shall also consider human designed landscapes by extending existing street tree plantings and by providing landscapes and landscape amenities that reinforce the physical layout of the neighborhood.

9.15-3 Pedestrian Facilities:

The plan for an ARHC shall incorporate pedestrian systems that allow for the convenient and safe movement of those who choose to walk for leisure or as a means of transportation. Connections to the Town's existing or planned sidewalk network shall be made by the applicant where possible.

9.15-4 Transit Access:

The applicant shall make every reasonable effort to insure adequate access to transit routes, including bus stops, from the ARHC development.

9.15-5 Landscaping and Screening:

All service areas and equipment, rubbish and recycling containers, service outbuildings, and any other accessory facilities identified by the Zoning Board of Appeals, shall be adequately screened from the view of public ways and adjacent properties using vegetative plantings, fencing, berms, or a combination of these techniques.

9.15-6 Accessory Buildings and Structures:

In an ARHC, 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.

9.15-7 Other Facilities:

All facilities for utility services, drainage, lighting and signage shall be in accordance with requirements established by the Zoning Board of Appeals, consistent with applicable provisions of the Williamsburg Zoning Bylaws and the Williamsburg Subdivision Regulations.

9.15-8 Project Maintenance:

In an ARHC there shall be an organization of the owners of the residential dwelling units, either a Condominium or Homeowners Association, 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. The Town of Williamsburg shall assume no responsibility for these facilities unless specifically noted under separate agreement.

9.15-9 Water Supply and Wastewater Disposal:

In every development wastewater disposal shall comply with the regulations of the Williamsburg Board of Health and applicable Massachusetts Department of Environmental Protection regulations. No ARHC shall be approved that is not served by the Town of Williamsburg Public Sewer System. No ARHC shall be approved that is not served by the Town of Williamsburg Public Water Supply System.

9.16 BUILDING AND DWELLING UNIT REQUIREMENTS

The following requirements shall apply to all buildings and dwelling units in an Age Restricted Housing Community:

9.16-1 Dwelling Unit Types:

Unit types allowed in an approved ARHC are:

- Single-Family Detached
- Duplex or Two-Family Dwelling
- Triplex or Three-Family Dwelling
- Quadplex or Four-Family Dwelling

9.16-2 Maximum D.U. per Building:

No building shall contain greater than four (4) dwelling units.

9.16-3 Maximum Number of Bedrooms:

No dwelling unit shall contain more than two (2) bedrooms.

9.16-4 Maximum Height:

No building shall exceed 35 feet in height.

9.16-5 Architectural Appearance:

All buildings shall be compatible with the character, scale and context of the surrounding neighborhood. The applicant shall present and respond to review comments by the Williamsburg Historical Commission.

9.17 OPEN SPACE AND BUFFER AREA REQUIREMENTS

No development, including clearing, primary or accessory structures, parking, wastewater disposal or stormwater management, shall take place within the required open space areas.

9.17-1 In ARHC development the following requirements for open space shall apply:

- a. The open space shall be planned as single, contiguous areas whenever possible. Long thin strips or narrow areas of open space (less than 100 feet wide) shall occur only when necessary for access, as vegetated buffers along wetlands or the perimeter of the site, or as connections between open space areas.
- b. Open space areas shall be designed to protect or enhance the primary and secondary resources as defined in Sections 9.62 & 9.63.
- c. Where the proposed development abuts or includes a stream, river, body of water or wetland, these areas and the buffer to such areas shall be incorporated into the open space. Where appropriate, reasonable access shall be provided to the shorelines.
- d. Where a proposed development abuts land held for conservation purposes, the development shall be configured to minimize adverse impacts to the abutting conservation land. Trail connections should be provided where appropriate.
- e. No more than 50 percent of the common open space shall be situated within wetlands or the Williamsburg Floodplain Overlay District.
- f. Open space shall be used solely for recreation, conservation, agriculture or forestry purposes by residents and the public. The board shall have the authority to approve or disapprove particular uses proposed for the open space.
- g. The open space shall be owned in common by the owners of the dwelling units in the ARHC, or by an organization or entity owned and controlled by such dwelling unit owners. 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.

9.18 APPLICATION PROCEDURES

The Planning Board shall by regulation establish a fee schedule for each application.

The procedure for issuance of a special permit for an Age Restricted Housing Community shall be as follows:

9.18-1 Preliminary Plan and Determination of Density:

Applicants shall submit preliminary plans and materials for a joint review by the Zoning Board of Appeals and the Planning Board prior to formal application for special permit. The applicant may submit a Sketch Plan to assist the Boards in making a determination regarding maximum number of dwelling units to be permitted on the tract of land proposed for an AHRC. The sketch plan shall be drawn at 1" = 40' and include a Yield and Proposed development plan as follows:

- a. A yield plan drawn to scale shall clearly indicate the number of buildable residential lots the applicant believes would be attainable if the site were to be developed as a conventional subdivision consistent with the Rules and Regulations Governing the Subdivision of Land in the Town of Williamsburg, MA.
- b. A proposed development plan drawn to scale shall clearly indicate the primary and secondary resource areas as defined below. From these two resource areas, the final plan shall clearly indicate the building placement, lots and road layout of the proposed AHRC.
- c. A registered architect, surveyor, landscape architect, or professional engineer shall prepare all Site Plans All Proposed Development Plans shall be on standard 24" x 36" sheets and shall be prepared at a sufficient scale to show:
 - o The location and boundaries of the lot, adjacent streets or ways, and the location and owners' names of all adjacent properties.
 - o Existing and proposed topography including two-foot contours, the location of wetlands, streams, water bodies, drainage swales, areas subject to flooding, and unique natural land features.
 - o Boundary lines of all proposed lots with approximate dimensions and lot areas in square feet.
 - o Existing and proposed structures, including dimensions and elevations.
 - o The location of existing and proposed parking and loading areas, driveways, walkways, access and egress points.
 - o The location and description of all existing and proposed septic systems, water supplies, storm drainage systems, utilities, and refuse and other waste disposal methods.
 - o Proposed landscape features including the location and a description of screening, fencing and plantings.
 - o The location, dimensions height, and characteristics of proposed signs and lighting.
 - o The location and a description of proposed open space or recreation areas.

9.18-2 Primary Resource Areas:

Primary resource areas should show the following:

- a. The location of all wetlands and floodplains as determined by a licensed hydrologist, and/or qualified licensed professional.
- b. The location of all significant woodlands, tree lines, or open fields or meadows, rocky outcroppings of ledge or bedrock, public water supply areas, watershed divides, aquifer recharge areas, drainage ways, wildlife habitat and corridor areas and areas of slopes greater than 10%.
- c. The location of soil test pits with supporting documentation on test results.

9.18-3 Secondary Resource Areas:

Secondary resource areas should show the following:

- a. The location and description of all significant scenic views, fences and stone walls, roads and trails, recreational areas, historic structures and archeological sites.
- b. A statement of the proposed use and ownership of the open space as permitted by this bylaw.

9.18-4 Board Determination on Yield Plan:

Based on the sketch plans, drawings and any other materials the applicant submits relevant to the tract under consideration, the Planning Board shall make a determination within 30 days as to the number of conventional lots that can be achieved on the proposed site.

9.18-5 Maximum Density of Proposed Development Plan:

If the proposed area of common open space exceeds 60% of the site, the permitted maximum density allowed under the ARHC special permit shall be the number of conventional lots as determined by the board times 110 percent. If the proposed area of common open space exceeds 70% of the site, the permitted maximum density allowed under the ARHC special permit shall be the number of conventional lots as determined by the Planning Board times 120 percent.

9.18-6 Conclusion of the Preliminary Plan Process:

Upon the conclusion of the preliminary plan process, the Planning Board shall approve, approve with modifications or disapprove said preliminary plan and in the case of disapproval, the Planning Board shall state in detail the reasons for its disapproval.

9.19 DEFINITIVE PLAN

A Definitive Plan of an ARHC may be submitted after a preliminary plan application and determination of density has been made by the Planning Board. The purpose of Plan Review is to further the purposes of this Bylaw and to ensure that new development of ARHC residential structures are designed in a manner that reasonably protects visual and environmental qualities and property values of the Town, and assures safe vehicular access, safe pedestrian movement, and appropriate drainage of surface water.

9.19-1 Application

- a. Each application for ARHC Plan Review shall be submitted to the Planning Board by the current owner of record, accompanied by eleven (11) copies of the Site Plan.
- b. The Planning Board shall by regulation establish a fee schedule for each such application
- c. A definitive plan may not be submitted without an approval of the preliminary plan as endorsed by the Planning Board.

9.19-2 Required Site Plan Content

Site Plans shall be on standard 24"x 36" drawing. A registered architect, surveyor, landscape architect, or professional engineer shall prepare all Site Plans. All sheets and shall be prepared at a sufficient scale to show:

- a. The location and boundaries of the lot, adjacent streets or ways, and the location and owners' names of all adjacent properties.
- b. Existing and proposed topography including two-foot contours, the location of wetlands, streams, water bodies, drainage swales, areas subject to flooding, and unique natural land features.
- c. Boundary lines of all proposed lots with approximate dimensions and lot areas in square feet.
- d. Existing and proposed structures, including dimensions and elevations.
- e. The location of existing and proposed parking and loading areas, driveways, walkways, access and egress points.
- f. The location and description of all existing and proposed septic systems, water supplies, storm drainage systems, utilities, and refuse and other waste disposal methods.
- g. Proposed landscape features including the location and a description of screening, fencing and plantings.
- h. The location, dimensions height, and characteristics of proposed signs and lighting.
- i. The location and a description of proposed open space or recreation areas.
- j. The Planning Board may request any additional information it judges to be necessary or convenient, or waive any information requirements it finds unnecessary, for the review of a particular plan.

9.19-3 Procedures for Site Plan Review

- a. An application for a Special Permit for an ARHC requiring ARHC Plan Review shall be considered incomplete without an application for ARHC Plan Review by the Planning Board.
- b. The period of review for a Special Permit requiring ARHC plan review shall be the same as any other Special Permit and shall conform to the requirements of Chapter 40A Section 9, "Special Permits." Specifically a joint Public Hearing shall be held by the Planning Board and the Zoning Board of Appeals within sixty-five (65) days of the filing of a Site Plan Review application with the Planning Board. Within forty-five (45) days of the joint Public Hearing, the Planning Board and the Zoning Board of Appeals shall hold a joint meeting at which the Planning Board shall report its findings and recommendations regarding the Site Plan application. Within forty-five (45) days after the joint meeting, and no longer than ninety (90) days from the date of the close of the Public Hearing, the Zoning Board of Appeals shall, after due consideration of the recommendations of the Planning Board, take final action on the Special Permit.

9.19-4 Site Plan Review Criteria

The following criteria shall be considered by the Planning Board in the review and evaluation of an ARHC Plan, consistent with a reasonable use of the site for the purposes permitted or permissible by the regulations of the district in which it is located.

- a. The development shall be integrated into the existing terrain and surrounding landscape, and shall be designed to protect abutting properties and community amenities. Building sites shall, to the extent feasible:
 - o Minimize impact on wetlands, steep slopes, flood plains, hilltops;
 - o Minimize obstruction of scenic views from publicly accessible locations;
 - o Preserve unique natural or historical features;
 - o Minimize tree, vegetation and soil removal and grade changes;
 - o Maximize open space retention;
 - o Screen objectionable features from neighboring properties and roadways.
- b. The plan shall maximize the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent ways. The plan shall describe estimated average daily and peak-hour vehicular traffic to be generated by the site, traffic flow patterns for vehicles and pedestrians showing adequate access to and from the site, and adequate circulation within the site.
- c. The Site Plan shall show adequate measures to prevent pollution of surface or groundwater, to minimize erosion and sedimentation, to prevent changes in groundwater levels, and to prevent increased run-off and potential for flooding. Drainage shall be designed so that run-off shall not be increased and that neighboring properties will not be adversely affected. A system of groundwater recharge shall be provided that does not degrade groundwater quality.
- d. Recharge shall be by storm water infiltration basins or a similar system covered with natural vegetation. Dry wells shall be used only where other methods are not feasible. All basins and wells shall be preceded by oil, grease and sediment traps to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner.
- e. Electric, telephone, cable TV, and other such utilities are required to be underground unless proven to be physically and environmentally unfeasible.
- f. Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and other unsightly structures or uses shall be set back or visually screened to protect the neighbors from objectionable site characteristics.
- g. Outdoor lighting shall be designed to prevent glare or light, which reflects, strays or scatters beyond the subject structure or structures.
- h. Noise generated by machinery or equipment shall not extend beyond the property line.
- i. The Site Plan shall comply with all other provisions of this bylaw.

9.19-5 Technical Consultants

If after receiving a subdivision application the Planning Board determines that it requires technical advice unavailable from municipal employees and departments to review the application, it may employ outside consultants. The Planning Board may, by majority vote, require that the applicant pay a reasonable review fee for the employment of outside consultants chosen by the Planning Board alone.

- a. A review fee may be imposed only if:
 - The work of the consultant consists of review of studies prepared on behalf of the applicant, and not of independent studies on behalf of the Planning Board,
 - The board finds that an adequate review cannot be performed by Town board members or employees,
 - The work is in connection with the applicant's specific project, and
 - All written results and reports are made part of the record before the Planning Board.
- b. Before a fee is imposed:
 - The applicant shall be given five business days notice and opportunity to submit written comments relative to the invitation for bids or request for proposals,
 - The applicant shall be given five business days notice and opportunity to comment on all bids or proposals prior to the selection of the consultant and the award of a contract,
 - The applicant shall be given five business days notice and the opportunity to file an appeal of the selection of the outside consultant with the Selectboard. Grounds for said appeal are limited to written claims, with written documentation, that the consultant selected has a conflict of interest or does not possess ~ the minimum required qualification in accordance with MGL Ch. 44, Section 53G.

9.19-6 Finding

- a. Before a finding on an ARHC Plan, the Planning Board may request the applicant to make modifications in the proposed design of the project to ensure that the above criteria are met.
- b. After a public hearing, the Planning Board may waive, for good cause shown, any or all requirements of ARHC Plan Review where such action is in the public interest and not inconsistent with the purpose and intent of this Bylaw.
- c. The Planning Board's finding shall consist of:
 - A written denial of the application, stating that the plan fails to provide adequate information for the Planning Board to make a determination of whether the development satisfies decisional criteria set forth in this section.
 - A finding that the project will constitute a suitable development subject to any conditions, modifications, and restrictions the Planning Board may deem necessary or appropriate.
 - A finding that the proposed project does not constitute a suitable development in that it does not meet the criteria set forth in section 6.5.

9.20 DEFINITIONS

CONDOMINIUM - A legal form of ownership of real property, usually individual ownership of a dwelling unit in a multi-unit development where some rights are held in common by the residents of that development.

HOMEOWNERS ASSOCIATION - A private non-profit organization (corporation, association, or other legal entity) established by the developer to manage, maintain, support, and

finance the common area and facilities and open space of an Age Restricted Housing Community Development, and to enforce certain covenants and restrictions.

OPEN SPACE - Undeveloped land set aside for common or individual ownership as a result of a Retirement Community Development, with conservation easements and other deeded restrictions to ensure that the land will remain permanently open and undeveloped. A condition of Age Restricted Housing Community Development approval is that open space may not be further subdivided.

AGE RESTRICTED - An individual who is 55 years of age or older.

AGE RESTRICTED HOUSING COMMUNITY - 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. An Age Restricted Housing Community shall be permitted only within the Age Restricted Housing Community Overlay District and only upon the granting of a special permit by the Zoning Board of Appeals.