

~~April 24, 2024~~ May 15, 2024

#### Section 8.7: Active Adult/Senior Village Ordinance

##### Purpose Goals:

- Provide 55+ Housing within Town that is not correlated with Senior Housing singular building ordinance nor related to Mobile Housing Elderly Community District.
- Age-restricted housing for 55+ as Fair Housing Laws provide
- Allow for duplex, triplex, and townhouses for ownership.
- Open Space or Common Space required
- Walkable neighborhoods
- Two Forms of Egress In and Out
- 7 + acres
- An alternative to an Open Space and Conservation Development for developers with allowance for more density and townhouse style units.
- Not a district, an allowed use similar to OCED.

##### 8.7.1 Purpose:

The intent of this ordinance is to provide for the establishment of a specialized Senior Housing Community that will furnish mixed and diverse varieties of enriched service, supportive and secure housing for individuals 55+ (55) years of age or older who do not want or need placement in a hospital or nursing home. Provide for residential development in a manner that conserves environmental features, woodlands, wet areas, open space, areas of scenic beauty, views and vistas. Such communities shall be designed to achieve compatibility with their surroundings and to encourage orderly and well-planned development.

##### 8.7.2 Definitions.

See Zoning Definitions

**Townhouse** - A one-family dwelling unit which is part of a group of two or more such units separated by a common party wall, having no doors, windows, or other provisions for human passage or visibility. Each one-dwelling unit shall be attached by not more than two party walls. Where units are offset from one another and a common party wall is used, the wall may be placed equidistant on each side of the lot line not exceeding the length of the offset.

**Exclusive Use Area (EUA)**: The outside area adjacent to each residential unit. Whenever a unit is located on a common lot there shall be an area designated as an EUA as determined by the original owner of the unit. Such exclusive use area shall be the width of the respective unit and extend no less than 20 feet from the foundation edge of the structure.

**Senior Housing**: Housing for persons over the age of 55 subject to the Senior Housing Laws, as defined herein. **Take out of Senior Housing Facility subcategory.**

Active Adult/Senior Village: Village-style housing for persons over the age of 55 subject to the Senior Housing Laws, as defined herein and set forth by the purpose of this ordinance.

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, s. 4.

Triplex: A Townhouse consisting of three individual dwelling units.

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8.7.3 Land and Site Development Requirements

a.) Land Requirements

- All development projects shall be located ~~within~~ residential zoning districts.
- All projects shall be connected to Town Water and Town Sewer.
- All parcels shall meet the following size requirements.

Zoning District	Minimum Lot Size
R-AB	15 acres
R-C	10 acres
R-D	7 acres

b. Site Development Requirements

Applicants shall utilize the following method to calculate the total number of residential units permitted within a development and for setting aside the Preservation Area and amenity space.

Table 1. ~~Shared~~ Open Space/Preservation Area

	Zoning District	<del>Shared</del> Open Space/Preservation Area
Minimum Area	R-AB	<del>35%</del> 40%
	R-C	<del>25%</del> 40%
	R-D	20 %

Table 2. Unit Allowance For Each Zoning District

	Zoning District	Multiplier Allowance
Unit Allowances/Bonus Density	R-AB	1
	R-C	1.25
	R-D	1.5

Table ~~32~~. Parcel Development

Dimensional Requirements for Frontage	Zoning District	<del>Minimum Size</del> Single Family	Duplex Townhouse	Triplex Townhouse
	R-AB	<del>15000</del> feet	175 feet	200 feet

of Building Types	R-C	<del>80</del> 125 feet	150 feet	175 feet
	R-D	<del>100</del> 60 feet	125 feet	150 feet

Table 43. Structure Design Requirements

Dimensional Setback Requirements	Zoning District	Setback from Roadway	Separation from Other Buildings	Building Height (maximum)
	R-AB	20 feet	30 feet	35 feet
	R-C	20 feet	25 feet	35 feet
	R-D	15 feet	20 feet	35 feet

The following requirements shall be followed to determine the number of units allowed within a Development.

- 1) The maximum number of dwelling units permitted in a 55+ Development shall be computed by dividing the developable area of the Zoning tract (in square feet). 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, one-hundred-year floodplains, drainage easements, and areas subject to existing valid open space restrictions.

The equation for determining the maximum amount of units allowed is the following:

Total Developable Lot Area (sq ft.) / Minimum Lot Size (Single Family) of Zoning District Units = # Amount of Units

# Amount of Units x Multiplier Allowance = Maximum Amount of Units Allowed per Project

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- 2) The basis for such determinations shall be a Preliminary Subdivision Plan prepared in accordance with the Subdivision Rules and Regulations. Additional information required on the Preliminary Plan shall depict:

- a) the surveyed boundaries;
- b) the delineation of wetlands and identification of the 25-foot and 50-foot wetland buffers and the 100-foot buffer.
- c) the ~~Shared~~ Open Space Area pursuant to Table One, prior to the division of land; Lands under an Preservation Restriction or Conservation Restriction at the time of the surveying, delineation, and/or the submittal of the application shall not be included that ~~Shared~~ Open Space Area; and
- d) The remaining lands not delineated as wetlands, vernal pools and buffers, shown as the Preservation Area, and placed under an Agricultural Restriction, and/or CR may then be divided for the determination of the total number of individual lots pursuant to the Subdivision Rules and Regulations. Each individual lot shall have the appropriate amount of upland to be deemed a buildable lot as set forth.

2)3) The Planning Board reserves the right, at its sole discretion, to impose more stringent standards and/or to reduce the number of units to ensure that impacts generated by the project on:

- quality of the land and locations of wetlands, vernal pools, and all other resources and buffer zones as indicated by review of the Conservation Commission;
- public water and sewer capacity; and
- capacity and safety of associated roadways and infrastructure (extended stopping distances, sight line distances, and other similar traffic and circulation issues, etc.) are adequately addressed.

3)4) One lot shall be reserved for amenity structures and/or areas. The amenity structures and areas may exceed the size of one lot but shall not reduce the number of residential units. This lot on which amenity structures are situated shall not be included in the determination of the number of residential units to be constructed.

~~4) Assuming feasibility when all other constraints are met, applicants may qualify for up to but not exceeding a 20 percent density bonus (1.5 units per buildable lot) based on the preliminary subdivision plan, and lot-size requirements determined for each zoning district. The Amenity Structure will not count toward the total unit number calculation. The Planning Board reserves the right to reduce the density bonus as described elsewhere due to other constraints such as traffic, safety, resource protection, infrastructure, etc.~~

~~5) For each additional unit above the allowed number of lot yielded by the preliminary subdivision plan the developer shall provide an additional one percent of the property (minus the Preservation Area) as open space and added to the shared Open Space Area:~~

~~a) The area known as the Parcel Front Setback as outlined in Table Two is intended to retain and enhance the character of the neighborhood. The Parcel Front Setback shall be measured from the edge of the property inward prior to the division of any land. No structures shall be located within the Parcel Front Setback, but the SPCA may allow street trees, stonewalls, trails, sidewalks, and other nonstructural features within the Parcel Front Setback.~~

~~b) The Parcel Side Setback shall contain no structures, roadways, or infrastructure. No vegetation in this buffer may be disturbed, destroyed, or removed, except for normal maintenance. The Parcel Side Setbacks shall be measured from the edge of the parcel inward prior to the division of any land. The area known as the Parcel Side Setback is intended to be retained as a "no disturbance" area.~~

~~c) Once the number of residential units has been determined and the Preservation Area has been located, the Applicant shall utilize Table Three for the placement of structures within the AH development.~~

6)5) Structures within an AH development may be located on individual lots or on a common lot.

a) When structures are placed on individual lots the following shall apply:

1) The size of the individual lot shall allow the residential unit to meet the requirements set forth in Table Four: AH Project Design. However, such spacing shall be measured from the exterior walls of a structure<sup>4</sup> rather than the parcel lines of the individual AH residential structure lots.

2) Single Family, Townhouse, and/or Duplex structures shall be permitted to have zero lot lines on the side of the structure where the common/party/firewall exists. However, non-common/party/firewalls and rear walls of the structure shall conform to the requirements set forth above.

3) Deeds shall include references to the recorded ownership of the Preservation Area and establishment of a Homeowner's Trust or Association and to the existence and recorded ownership of amenity structures within the entire project.

4) Each building shall face either upon an existing street or upon a public or private way constructed within said Development.

b) When structures are placed on a common lot the following shall apply:

1) Each individual structure shall contain an EUA.

2) Deeds shall include references to the EUA in addition to the established Homeowner's Trust or Association.

#### 7) Amenity Structures and Uses

a. Amenity structures shall be designed to allow for a variety of passive and active recreational activities that support the residents of the AH development. Uses that may be considered are community program spaces, fitness/therapeutic space, educational, recreational, and accessory space; areas for neighborhood meetings and event space; country club amenities; and any other amenities and opportunities that are intended to create and promote an integrated neighborhood type environment. All projects shall include minimally one amenity structure on-site.

b. A clubhouse may contain a space for personal services, therapists (Physical, Occupational, etc.) and/or medical professionals to serve its residents.

#### 8) Additional requirements shall include:

a) The area known as the Parcel Front Setback as outlined in Table Four is intended to retain and enhance the character of the neighborhood. The Parcel Front Setback shall be measured from the edge of the property inward prior to the division of any land. No structures shall be located within the Parcel Front Setback, but the SPGA may allow street trees, stonewalls, trails, sidewalks, and other nonstructural features within the Parcel Front Setback.

b) The Parcel Side Setback shall contain no structures, roadways, or infrastructure. No vegetation in this buffer may be disturbed, destroyed, or removed, except for normal maintenance. The Parcel Side Setbacks shall be measured from the edge of the parcel inward prior to the division of any land. The area known as the Parcel Side Setback is intended to be retained as a "no disturbance" area.

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c) Once the number of residential units has been determined and the Preservation Area has been located, the Applicant shall utilize Table Four for the placement of structures within the AH development.

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#### 8.7.4 Applicability.

The Planning Board may grant a special permit for a Senior Village/Active Adult Community as defined as set forth in the Table of Use Regulations, subject to the requirements of this Section.

8.7.5 Procedures. Active Adult/Senior Village Development (referenced herein as "Development") may be authorized upon the issuance of a special permit by the Planning Board. Applicants for a Development shall file with the Planning Board seven (7) copies of the following:

1. A site plan conforming to the requirements for a preliminary plan as set forth in the Subdivision Rules and Regulations of the Planning Board. Additionally materials are subject to Bridgewater Zoning Ordinance Sections 10.6.4 & 10.6.5 Procedures and Contents of Plan shall be required with the exception of receipt of seven (7) copies of Plans instead of five (5) copies.

#### 8.X Design Standards

##### 1. Unit Makeup

- a) The development should include a mixture of architectural styles (e.g., Cape Cod, Colonial, or Ranch design houses, Duplexes, Triplexes, & other multiunit Townhouses ) that are blended and dispersed throughout the site.
- b) Exterior material and colors of structures are required to be varied and to complement colors used in the surrounding area. One color palette should not dominate the development.
- c) Roofs of structures within a Development are encouraged to incorporate architecturally diverse styles (examples may include cornices, dormers, gabled roofs, mansard roofs, etc.)
- d) All roof top mechanical equipment for all structures shall be screened, with the exception of chimneys. No roofs tops shall be flat.

##### 2. Aging-in-Place Design

a) For the purposes of creating an active adult community, all residential structures shall be constructed with universal design principles and construction design that can be easily modified for accessibility. The original owner may request specific accessibility features on the ground floor level, such as a zero-step entry and grab bars. A minimum of 50 percent of the units shall be initially designed with a zero-step or no-step entry from an accessible path. All structures shall include the following:

- 1) A master bedroom with an accessible in suite bathroom located on the same floor as the kitchen, living room, and dining room.
- 2) Doorways shall be a minimum of 36 inches wide throughout the first floor.
- 3) A minimum of one entrance that is easily modifiable to be transformed into a temporary or a permanent no-step entry from an accessible path between the driveway or street and the door.

4) Reinforced blocking within the walls of the first-floor bathroom to provide for installation of grab bars and other accessible bath features.

5) A minimum of one indoor/garaged parking space for each unit.

b) Outside facilities such as walkways, gardens and recreation areas shall be designed for universal access.

c) Walkways are strongly encouraged to be publicly accessible and shall connect the development with abutting open space parcels, trail networks, water resources, sidewalks, public amenities, public ways, bicycle trails, and/or neighborhoods.

### 3. Porches and Decks

- a. Structures within an AH development shall be architecturally diverse through the use of farmer's porches, open porches, front porches, porticos, patios, etc.
- b. Decks shall be included within the design of all structures and located to the side or rear of the structure. Three-season or four season-rooms may be created in lieu of a deck.

### 4. Parking

- a. Two vehicular parking spaces shall be required per dwelling unit. This includes the one interior parking space located within a garage structure.
- b. One vehicular parking space shall be required for every four dwelling units for visitor parking. Such visitor spaces shall be located throughout the development.
- c. The Development shall include common or guest parking in proximity to any clubhouse or other facility serving residents and may be required in off-street parking areas as determined by the Planning Board.
- d. No single parking area for amenity structures and/or uses shall contain more than eight parking spaces and all such areas shall be adequately landscaped.
- e. On-street parking may be permitted on one side of one-way streets. Such on-street parking shall not be counted towards visitor off-street parking.
- f. On-street parking may be permitted on one side of one-way streets. Such on-street parking shall not be counted towards visitor off-street parking.
- g. A minimum of two parking spaces shall be provided for public use when the proposed trail system connects to a publicly accessible park or trail system. One of the two parking spaces shall be ADA compliant. "No Overnight Parking" signage shall be installed within the area designated for trail parking.

### 5. Garages

- a) Garages shall not dominate the frontage of a structure nor shall the garage extend more than 6 feet beyond the front of the structure.
- b) Garages shall have access to the interior of building. Step-ups are permissible within garages with proper railings.

### 6. Landscaping

- a. Where the perimeter buffer is wooded, it shall remain in a natural, undisturbed state to preserve the natural character of the existing parcel in relation to the surrounding neighborhood.

- b. At the sole discretion of the Planning Board, a no-cut easement or conservation restriction may be required within the perimeter buffer.
  - c. One street tree shall be planted in front of each residential unit. For portions of roadways where there are no residential structures, one street tree shall be planted at least every 30 feet along the roadway.
  - d. Existing healthy native trees shall be retained to the greatest extent feasible. All trees over 12 inch caliper that are to be removed to accommodate construction should be replaced elsewhere on the project site with one native or hybrid species that is a minimum of a 3 inch caliper and two native shrubs as determined and approved by the Planning Board.
  - e. Landscaping shall be required to be incorporated within the frontage of each unit and between buildings to provide increased privacy while minimizing the visual elements of the streetscape.
7. Infrastructure Improvements
- a) All infrastructure shall be constructed and installed in accordance with the most current version of the Bridgewater Planning Board Subdivision Regulations
  - b) The Applicant should fill out a water impact form and have a discussion with DPW regarding impacts to current infrastructure.
  - c) Projects should strive to incorporate sustainable and alternative energy sources into the project infrastructure and within the design and construction of all new and redeveloped buildings when feasible.
8. Roadway Improvements
- a. All roadways shall be constructed and installed in accordance with the most current version Bridgewater Planning Board Subdivision Regulations when applicable.
  - b. One-way streets are strongly encouraged throughout the development. Such design should mimic roadway layout as shown within Subdivision Rules and Regulations.
  - c. For all projects, sidewalks shall be incorporated and installed throughout the Development on one side of each street.
  - d. Projects shall incorporate multimodal transportation approaches including Complete Streets into the project design such as sidewalks, crosswalks, and bicycle circulation facilities. Whenever feasible a Development shall accommodate and encourage multimodal transportation networking opportunities facilitating Complete Streets network connectivity such as walking trails, bicycle lanes, and related infrastructure.
  - e. The principal roadway(s) serving the site shall be designed to conform with the standards of the Town based on number of residential units where the roadway is or may be ultimately intended for dedication and acceptance by the Town. 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. If the applicant requests any waivers of the Planning Board's roadway standards, that road shall remain private in perpetuity.

~~8.X 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 Development shall not, in the aggregate, exceed 20% of the Basic Maximum Number. All dwelling units~~



~~awarded as a density bonus shall be 2 bedroom units. Computations shall be rounded to the lowest number. A density bonus may be awarded in the following circumstances:~~

~~1. For each additional five percent (5%) of the site over the open space required below and set aside as contiguous open space, a bonus of five (5%) percent of the Basic Maximum Number may be awarded. This bonus shall be limited to 10% of the Basic Maximum Number.~~

~~2. When the Planning Board determines that the applicant has offered significant amenities to the Town, including but not limited to preservation of open space off-premises, infrastructure improvements, equipment, or technical assistance, a bonus of up to 10% the Basic Maximum Number may be awarded.~~

8.X Buffer Areas. A buffer area of 20 feet shall be provided at the perimeter of the property where it abuts residentially zoned or occupied properties, except for driveways necessary for access and egress to and from the site. No vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance.

The Planning Board may waive the buffer requirement

- a. where the land abutting the site is the subject of a permanent restriction for conservation or recreation; or
- b. where the land abutting the site is held by the Town for conservation or recreation purposes; or
- c. the Planning Board determines that a smaller buffer will suffice to accomplish the objectives set forth herein.

8.X Stormwater Management. Stormwater management shall be consistent with the requirements for subdivisions set forth in the Rules and Regulations of the Planning Board as well as all applicable Stormwater Management requirements within the Town of Bridgewater.

8.X Homeowners' Association.

The developer shall establish a homeowner's association. The Homeowner's Trust/Corporation shall operate in accordance with a Homeowner's Trust or Association Agreement establishing such association shall be review by Town Counsel, Planning Board, and CED Staff and approved by the them respectively. Review and approval of Town Staff are to be made prior to its recording or the sale of any unit or the release of the dwelling units.

The Homeowner's Trust/ or Association documents shall provide for the maintenance in perpetuity of the common area lands, open space, the drainage system of the development including any detention or retention basins, common sewage facilities, common leaching areas, streets and sidewalks, paths, common recreation and maintenance facilities, common parking structures and parking lots, and other common use areas and facilities within the development.

Snow and rubbish removal within the project limits shall be the responsibility of the project owner/developer or subsequent homeowner's association, in perpetuity, with no responsibility on the part of the municipality.

#### 8.X Age Restriction

Each dwelling in a Development shall be subject to an age restriction in compliance with Senior Housing Laws, and said age restriction shall be part of the deed, deed rider, restrictive covenant, and/or any other documents of record that shall be recorded at the Plymouth Registry of Deeds or filed with the Registry District of the Land Court. The age restriction shall run with the land and shall be enforceable by any or all of the owners of dwelling units in the Development or by the Town of Bridgewater.

Age restriction requirements shall apply as the following, as per Senior Housing Laws.

a. Such age restriction shall limit the dwelling units to occupancy by at least one adult who ~~must shall~~ be 55 years of age or older. 100% of the units shall have at least one occupant who is 55 years or older with the exception below "b".

~~b. Marketing of units in a Development shall comply with all Fair Housing Laws and shall include, to the extent legally allowable, a strategy for marketing units to Bridgewater residents and their immediate families.~~

~~b.e.~~ In the event of the death of the qualifying owner/occupant(s), or foreclosure or other involuntary transfer of a unit in a Development, an age restriction exemption shall be allowed for the transfer of the unit to another household member for up to ~~three~~ two years.

~~c. Marketing of units in a Development shall comply with all Fair Housing Laws and shall include, to the extent legally allowable, a strategy for marketing units to Bridgewater residents and their immediate families.~~

~~d. The community shall create, publish and follow policies that show its intent to house age 55 and older.~~

~~e. The community shall follow HUD's regulatory requirements for age verification of residents.~~

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8.X Decision. The Planning Board may approve, approve with conditions, or deny an application for a Senior Village Development after determining whether the Senior Village Development better promotes the purposes this Ordinance than would a conventional subdivision development of the same locus. Criteria of approval shall follow Section 10.5.2 criteria of approval of Special Permits and (Section 6.3) Performance Standards of Larger Projects where applicable.

#### 8.X Procedure for Waiver

All Development projects shall comply with Sections 8.X of these Ordinances. The Planning Board may waive the requirements of these Ordinances in a majority vote, only if such waivers will allow for better design and/or improved protection of resources.

~~To be Added~~

~~Determination of Shared Open Space Areas/Conservation Restriction (CR) of the Preservation Area~~

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