

PLANNING BOARD

P.O. Box 1305
Littleton, Massachusetts 01460



**PUBLIC HEARING
ZONING AMENDMENT
OVER 55 HOUSING DEVELOPMENTS**

The Town of Littleton Planning Board will hold a Public Hearing on Thursday, May 5, 2005 at 8:00 p.m. in Room 103 of the Shattuck Street Town Hall to consider amending the Zoning Bylaw, Chapter 173 of the Code of the Town of Littleton by adding the proposed "Over 55 Housing Developments" section according to MGL Chapter 40A, Section 5.

The proposed amendment is to add to the zoning bylaws a provision to allow the Planning Board to issue Special Permits for development of qualified parcels of land in a unified manner as Over-55 Developments. The complete text of the proposed zoning amendment is on file at Town Clerk and Planning Board offices and can be viewed during their office hours or online at www.Littletonma.org.

Any person interested or wishing to be heard on the proposed zoning amendment should appear at the time and place designated.

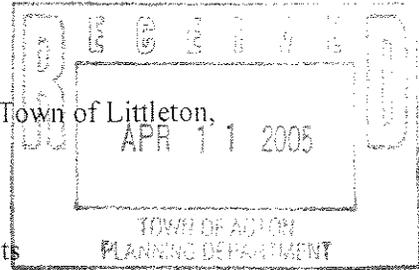
The Town of Littleton does not discriminate on the basis of disability. Further, a signed translation of this hearing will be provided for the hearing impaired upon request by contacting the Planning Board Office at 978-486-9733 one week prior to the meeting date.

Richard J. Dennis, Jr.

Richard J. Dennis, Jr., Clerk

ARTICLE 25:

To see if the Town will vote to amend Chapter 173 of the Code of the Town of Littleton, "Zoning", by adding the following new article:



Article XXIII Over 55 Housing Developments

Definitions:

Affordable Dwelling Unit – A dwelling unit, the value of which is determined by the Department of Housing and Community Development (DHCD) to be affordable by a moderate income family and thus to be included in DHCD's Subsidized Housing Inventory of moderate income housing Dwelling Units for the purpose of compliance with the provisions of Massachusetts General Laws Chapter 40B, Sections 20 through 23.

Low-Income Dwelling Unit – A dwelling unit, the value of which is determined by the Department of Housing and Community Development (DHCD) to be affordable by a low-income family and thus to be included in DHCD's Subsidized Housing Inventory of moderate income housing Dwelling Units for the purpose of compliance with the provisions of Massachusetts General Laws Chapter 40B, Sections 20 through 23.

Moderate Income – Household income not exceeding eighty (80) percent of the median income, with adjustments for household size, as reported by the most recent information from the DHCD.

Low-Income – Household income not exceeding fifty (50) percent of the median income, with adjustments for household size, as reported by the most recent information from the DHCD.

Purpose:

The purpose of this article is to accommodate the need for affordable and low income housing in Littleton for those over the age of 55.

Special permit:

- A. The Littleton Planning Board is hereby designated the Special Permit Granting Authority (SPGA) to grant Special Permits for development under the provisions of this Article.
- B. The SPGA may grant a Special Permit for development of a qualified parcel of land in a unified manner as an Over-55 Development.
- C. The SPGA may grant a special permit for an over 55 housing development only upon finding that such use is in harmony with the general purpose and intent of the Zoning Bylaw and the proposal meets the specific provisions set forth under this bylaw. In granting the special permit, the SPGA may also adopt conditions, safeguards, and limitations concerning the use of the property associated therewith, including limitations on open space use.

Applicability:

- A. Uses – Structures within an Over-55 Development 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 development. Said restriction shall also be enforceable by the Town as a condition for compliance with this zoning bylaw.

B. Occupancy – Each Dwelling Unit in an Over-55 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 dwelling unit of an Over-55 Development for more than six (6) months in any nine (9) month period.

C. All residential projects involving the development of five (5) acres or more of land may submit an application for over-55 housing development that conforms to the requirements of this section.

D. The Planning Board will either approve the over 55 housing development concept or waive the application to allow the applicant to investigate other development concepts allowed under the zoning bylaw.

Approval:

Approval of an over 55 housing development shall be contingent upon satisfying additional criteria as follows:

Density: The parcel being proposed for development can have no more than three (3) times the number of units than are could be constructed with a conventional subdivision in accordance with the Zoning Bylaws if all units are affordable or no more than four (4) times with twenty-five percent low income units.

For example, for a 5-acre development there can be no more than 15 units, unless 5 low-income units are constructed, for a total of no more than 20 units.

Unit Size: All units will be two bedrooms or less. Total floor area for each unit shall not exceed 1500 square feet.

Unit Layout: Living space (i.e., kitchen, living and/or dining room) and one bedroom must be on the ground floor.

A Homeowners' Association or a Management Company must be formed which would have the legal responsibility for the management and maintenance of the development. The responsibility would include but is not limited to exterior maintenance of buildings, maintenance of driveways and/or parking lots, landscaping maintenance and maintenance of common utilities, including septic systems and wells. In addition, the Homeowners' Association or Management Company would accept responsibility for the maintenance of any Open Space if the Open Space is conveyed to a corporation or trust either of which is composed of the unit owners.

Development Layout: Developers are encouraged to present creative layouts that address the town's need for open space.

Procedure:

Applications for an over 55 housing development Special Permit shall be submitted in accordance with the submission requirements specified below.

A. Pre-application Review: Before submitting a formal application for a Special Permit under this Article, the applicant is encouraged to meet with the Planning Board, Board of Health, Conservation Commission and Board of Selectmen to present the general concept of the development, and hear the concerns of the town officials that should be considered in the design of the development.

B. Site Plan Review: Site plan review by the Planning Board is an integral part of the over 55 housing development approval process and shall be conducted prior to any construction or grading on the property.

C. Request for Determination: A Request for Determination shall be submitted to the Littleton Conservation Commission prior to or concurrent with the submittal of the Special Permit Application to the SPGA.

D. Site Plan Review Submission: The Applicant shall provide the SPGA with ten (10) sets of a completed application, meeting the submissions requirements of this section. The SPGA shall submit such application to the Board of Health, Conservation Commission, Board of Selectmen, Fire Department, Police Department, Tree Warden, and Highway Department for review and comment. Each board shall have thirty-five (35) days after receipt of the applications to complete such review and comment.

Submission Requirements:

- A. A development statement describing the development program, including number of units, types of units, floor area, number of bedrooms, ground coverage, number of low-income units, areas of residential development and common open space as percentages of the total open space area.
- B. A preliminary environmental analysis as defined by the Planning Board Subdivision Rules and Regulations for a Preliminary Subdivision.
- C. Development plans including the following:
 - 1. Conventional Subdivision Plan with sufficient detail, as determined by the Planning Board, to determine the number of dwellings that could be constructed using conventional subdivision layout and in accordance with the Zoning Bylaws.
 - 2. Overall site plan prepared by a registered professional engineer showing locus, existing and proposed topography, all structures to be built or retained. All principal drives, driveways, parking areas, paths and trails, utilities, drainage system, stone wall, sidewalks, property lines, landscaping, community facilities serving the development, and common open spaces, as well as any other information that would be useful to illustrate the proposal.
 - 3. Drawings illustrating the design of buildings and clusters of buildings, and special features of the development.

4. Perspective drawings illustrating views from existing public roads abutting the site after the completion of development.
 5. Typical elevation of proposed structures at a scale of 1/8 inch equals one foot.
 6. Typical floor plans at a scale of one-fourth (1/4) inch equal one foot.
 7. Detailed plans, at a scale of one inch equal forty (40) feet, of all vehicular entrances to the site, all parking areas and access lanes, and community center sites.
 8. Conceptual plans for treatment and disposal of sanitary sewage including locations of and sizes of leaching fields, and reports of subsurface investigations of groundwater and soil conditions in proposed leaching areas.
 9. General analysis of the effect of the development on surface water flow to offsite or nearby wetlands.
 10. Plans for water supply and distribution sufficient to show the source of water, location and size of storage and distributions facilities, and provisions for fire protection.
- D. Planned use of and access to any open space.
- E. All roadway and utility design, layout, length, and construction must conform to the Subdivision regulations.
- F. Marketing Program including anticipated price schedule of units, target market sectors, and anticipated timing of development and sales. Market studies prepared by outside consultants are strongly recommended, but not required.
- G. Construction schedule, including staging program if applicable, with estimated start and finish dates of each stage, anticipated completion date of community facilities serving the development, and planned completion date of the entire development.
- H. Management program outlining the community organization, if any, and the transition procedure from developer management to community association management, if applicable.
- I. Development team qualification, including names, addresses and resumes of the development company, development managers, architects, engineers, landscape architects, land planners, other consultants and participants, and all general partners. Resumes must include lists of all developments in progress or completed within five years by each participant.
- J. Financial program, including names and addresses of participating financial institutions, a description of the type of sources of equity funding, and bank references for the developers and general partners.
- K. A list of all property owners of the over 55 housing development tract, and proof of site control by the developer. Proof of site control may include deeds, option agreements, purchase and sale agreements, development partnership agreements, or

other documents that establish the right of the developer to plan and develop the property if granted a Special Permit.

Design Criteria:

- A. In an over 55 housing development, dwellings and accessory buildings should be arranged in groups that do not detract from the ecological and visual qualities of the environment, and are harmonious with the existing neighborhood. The review shall consider whether the size of the planned open space is such that preservation of desirable open space of the vicinity is maximized.
- B. In the event that there is open space in this development, prior to the granting of a Special Permit under this Article, the developer shall execute and deliver to the SPGA a binding agreement, which may state that it is contingent on the granting of the permit to convey and restrict the open space in accordance with the terms of the Special Permit.

Design requirements:

The Planning Board may approve a site plan that meets the Littleton Subdivision Regulations and applicable Zoning Bylaws. All waivers from the Subdivision Regulations and applicable Zoning Bylaws must be requested in writing.

Dimensional Requirements:

Minimum Tract of Land Area to be developed	5 acres
Minimum Frontage of Tract of Land	No Minimum Required
Lot Area	No Minimum Required
Minimum Side and Rear yards	No Minimum Required
Lot Frontage	No Minimum Required
Lot Shape Ratio	No Minimum Required
Minimum setback of buildings, pavement areas other than street and walkways from all boundaries of the tract of land	50 feet
Minimum separation between buildings and/or structures	20 feet
Maximum height of Principal and Accessory structures	32 feet
Height	The Height at any point shall not be more than one-half of the horizontal distance from any boundary of the open space of any pre-existing public way
Maximum Density – all Affordable Units	3 Dwelling Units per 40,000 square feet of developable site area
Maximum Density – Affordable Units plus 25 percent Low-Income Units	4 Dwelling Units per 40,000 square feet of developable site area
Maximum dwelling units per building	1
Building Setback from pre-existing Public Way	40 feet
Maximum Total impervious area	30 percent unless Aquifer or Water Resource District

Ownership.

An over 55 housing development tract may include contiguous parcels of land separately owned by different persons or entities who have agreed that the entire tract shall be subject to all of the provisions and stipulations of the Special Permit as if it were a single development.

Open Space.

If applicable, provisions shall be made in the open space trust arrangements to allow and encourage the use of open space for active agriculture, forestry, or passive recreation.

Allowed Uses.

- A. Community recreation facilities serving the development.
- B. Offices and maintenance facilities for the community association and its management organization.
- C. Construction offices and sales offices until the last approved unit is initially sold or rented.
- D. Normally acceptable accessory uses and facilities incidental to the principal uses.

Peer review:

The Planning Board may determine that independent review of the plans, legal documentation and/or construction is required. The Board will obtain a quotation for the work required from an engineer and/or attorney of its choice, and the developer shall deposit funds equal to the amount of the quotation with the Treasurer of the Town of Littleton to pay for this work, in accordance with applicable General Laws, prior to the start of the review.

Decision Criteria:

In an over 55 housing development, dwellings and accessory buildings should not detract from the ecological and visual qualities of the environment, and should be harmonious with the existing neighborhood.

Compliance with Town Regulations:

Planning Board may approve or approve with conditions, a Special Permit for an over 55 housing development, provided that the Board determines that the plan complies with all relevant requirements of the Zoning Bylaws and is on balance no less beneficial to the Town than the development likely without such approval, taking into consideration the following, among other concerns.

1. Preservation of natural resources, especially in relatively large-scale contiguous areas.
2. Location of development on sites best suited for such and avoiding environmentally fragile locations.
3. Contribution to meeting housing need
4. Protection of water resources through careful location of potential sources of contamination.

5. Suitability of the development tract to support such a development.

Limitations on Further Division:

Land shown on a plan for which a permit is granted under this Article may not be further divided and a notation to this effect shall be shown on the plan and shall be a condition of any approvals granted.

Affordable Units:

As part of the site plan review, the total number of dwelling units shall be restricted for a period not less than thirty (30) years. 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 Town of Littleton (Counsel on Aging and/or Littleton Housing Authority) for a period not less than 120 days after notice thereof. Low-income units, if any, shall be integrated into the overall development so as to prevent the physical segregation of such units. The applicant shall be encouraged to seek designation of all the units as affordable and low-income units which qualify as part of the subsidized housing inventory as approved and compiled by the Department of Housing and Community Development (DHCD). The Planning Board may require that the Applicant affirmatively take steps to utilize the Littleton 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 proposed as affordable and/or low-income 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.

Limit on Units:

The total number of units allowed under this bylaw, on an annual basis, shall be no more than one (1) percent of the total number of single-family dwelling units in the Town.

Impact Fee:

The developer shall contribute the amount of \$2,000 for each unit approved to the Littleton Council on Aging or the Littleton Housing Authority to aid and assist the elderly community in Littleton.

BOARD OF SELECTMEN/AFF.HOUSING COMM

Roland Bartl

From: Maren Toohill [toohill@littletonma.org]
Sent: Thursday, April 14, 2005 10:30 AM
To: Roland Bartl
Subject: RE: over 55 housing

Hi Roland-

Good catch, I understand that it wont pass, but the powers that be don't know it yet and haven't listened yet.

Maren

-----Original Message-----

From: Roland Bartl [mailto:rbartl@acton-ma.gov]
Sent: Wednesday, April 13, 2005 1:10 PM
To: Maureen Toohill
Subject: over 55 housing

Maureen:

Reading the hearing announcement and zoning article draft I see at the very end the proposal fir a \$2,000 impact fee per unit. Is this a trial balloon or do you impact fees spelled out in your zoning for other developments and got this by the AG, the lawyers, passed appeals, etc.?

Just curious -

*Roland Bartl, AICP
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4/14/2005