

7.2 FLEXIBLE DEVELOPMENT

7.2.1 Purpose. The purpose of this section, Flexible Development, are:

1. To encourage the preservation of open land for its scenic beauty and to enhance agricultural, open space, forestry, and recreational use;
2. To promote the development of housing for affordable low, moderate, and median income families;
3. To preserve historical and archeological resources, to protect the natural environment, including Westford's varied landscapes and water resources;
4. To protect the value of real property;
5. To promote more sensitive siting of buildings and better overall site planning;
6. To perpetuate the appearance of Westford's traditional New England landscape;
7. To facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner;
8. To offer an alternative to standard subdivision development; and
9. To promote the development of housing for persons over the age of fifty-five.

7.2.2 Applicability. Upon the issuance of a special permit by the Planning Board, and in accordance with the following provisions, a Flexible Development project may be created, whether a subdivision or not, from any parcel or set of contiguous parcels held in common ownership and located entirely within the Town of Westford. Notwithstanding the provisions of Section 7.1, all projects meeting the threshold set forth therein shall submit a plan for a Flexible Development, and, if such special permit is granted, shall conform with the requirements set forth in this Section 7.2.

7.2.3 Procedures. Applicants for the Flexible Development shall file with the Planning Board seven (7) copies of the following:

1. A development plan conforming to the requirements for a preliminary plan as set forth in the Subdivision Rules and Regulations of the Planning Board.
2. Where wetland delineation is in doubt or dispute, the Planning Board may require appropriate documentation.
3. Data on proposed wastewater disposal, which shall be referred to a consulting engineer for review and recommendation.
4. The Planning Board may also require as part of the development plan any additional information necessary to make the determinations and assessments cited herein.
5. As part of the Application and Design Process, the Planning Board shall obtain and receive input from all Land Use Boards, Departments, and Commissions.

7.2.4 Design Process. Each development plan shall follow the design process outlined below. When the development plan is submitted, applications shall be prepared to demonstrate to the Planning Board that this Design Process was considered in determining the layout of proposed streets, house lots, 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 Contiguous Open Space.* The third step is to identify 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 Area.* 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.

5. *Lot Lines.* The final step is simply to draw in the lot lines (if applicable).

7.2.5 Modification of Lot Requirements. The Planning Board encourages applicants for Flexible Development to modify lot size, shape, and other dimensional requirements for lots within a Flexible Development, subject to the following limitation:

1. Lots having reduced area or frontage shall not have frontage on a street other than a street created by the Flexible Development; provided, however, that the Planning Board may waive this requirement where it is determined that such reduced lot(s) are consistent with existing development patterns in the neighborhoods.

2. At least 50% of the required side and rear yards in the district shall be maintained in the Flexible Development.

7.2.6 Basic Maximum Number of Dwelling Units. The Basic Maximum Number of dwelling units allowed in a Flexible Development shall not exceed the number of lots allowed in the zoning district in which the property is located (i.e. conventional subdivision). The burden of proof shall be upon the Applicant to submit such evidence as necessary to support the calculation of the allowable number of lots, based upon accepted standards of soil testing for sewage disposal systems on the individual lots; limitation due to wetlands, flood plains, and steep slopes; and requirements of the Planning Board's Subdivision Rules and Regulations.

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:

1. *Open Space.* For each additional ten (10) percent of the site (over and above the required ten (10) 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 twenty-five (25) percent of the Basic Maximum Number. (A maximum density bonus for this provision would require a minimum of sixty (60) percent open space.)

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.

3. *Design.* Where the Planning Board determines that the development is in substantial conformance with design standards that shall be promulgated by the Planning Board, a bonus of up to fifteen (15) percent of the Basic Maximum Number may be awarded.

7.2.8 Affordable Component. [Amended 05-06-06 Art. 25] As a condition of the grant of any special permit for a Flexible Development, a minimum of fifteen (15) percent of the total number of dwelling units shall be restricted in perpetuity to people/persons with families who meet or qualify under this Bylaw's definition of low, moderate, or median income. The perpetuity 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. The affordable component shall be divided as follows:

1. Five (5) percent of the units shall be affordable to persons or families qualifying as low income;
2. Five (5) percent of the units shall be affordable to persons or families qualifying as moderate income; and
3. Five (5) percent of the units shall be affordable to persons or families qualifying as median income.

When computing the number of affordable units, the number will be rounded to the next lower integer.

7.2.9 Standards. The following standards shall apply in a Flexible Development:

1. *Types of Buildings.* The Flexible Development may consist of any combinations 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, predominately wood siding, an articulated footprint, and varied facades. Residential structures shall be oriented toward the street serving premises and not the required parking area.
2. *Roads.* The principal roadway(s) serving the site 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.
3. *Parking.* Each dwelling unit shall be served by two (2) off-street parking spaces. Parking spaces in front of garages may count in this computation.
4. *Buffer Areas.* A buffer area of one hundred (100) 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 so long as a buffer is established of at least fifty (50) feet

in depth which may include such restricted land area within such buffer area calculation;
- b. where the land abutting the site is held by the Town for conservation or recreation purpose; or
- c. the Planning Board determines that a smaller buffer will suffice to accomplish the objectives set forth herein.

5. *Drainage.* Stormwater management shall be consistent with the requirements for subdivisions set forth in the Rules and Regulations of the Planning Board.

7.2.10 Contiguous Open Space. A minimum of ten (10) percent of the parcel shown on the development plan shall be contiguous open space. Any proposed contiguous open space, unless conveyed to the Town and administered by the Conservation Commission, shall be subject to a recorded restriction pursuant to G.L. c. 184 enforceable by the Town, providing 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 purpose.

1. The percentage of the contiguous open space which is wetlands 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 such open space upon a demonstration that such inclusion promotes the purpose set forth in Section 7.2.1, above. In no case shall the percentages of contiguous open space which is wetlands exceed fifty (50) percent of the tract.
2. The contiguous 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.
3. The contiguous open space shall remain unbuilt upon, provided that the Planning Board may permit up to twenty (20) percent of such open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space, pedestrian walks, and bike paths.
4. Underground utilities to serve the Flexible Development site may be located within the contiguous open space.

7.2.11 Ownership of the Contiguous Open Space. The contiguous open space shall, at the Planning Board's election, be conveyed to:

1. The Town of Westford and administered by the Conservation Commission;
2. A nonprofit organization, the principle purpose of which is the conservation of open space and any of the purposes for such open space set forth above; and
3. A corporation or trust owned jointly or in common by the owners of lots within the Flexible Development. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such 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. Each such trust or corporation shall be deemed to have assented to allow the Town of Westford to perform maintenance of such 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 an event, the Town shall first provide fourteen (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. 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.

7.2.12 Decision. The Planning Board may approve, approve with conditions, or deny a special permit for a Flexible Development after determining whether the Flexible Development better promotes the purposes of Section A of this Flexible Development Bylaw than would a conventional subdivision development of the same locus.

7.2.13 Relation to Other Requirements. The submittals and permits of this Section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning Bylaw.