

## 5.5 AGE-RESTRICTED RESIDENTIAL DEVELOPMENTS

### 5.5.1 Purpose

The purpose of this bylaw is to allow for the economically efficient development of variety of housing types and supporting infrastructure as designed to meet the needs of individuals aged 55 and older while preserving open space, preventing sprawl, promoting environmental sustainability, and providing recreational opportunities. This bylaw seeks to balance the needs of residents with the interests of the surrounding community.

### 5.5.2 Special Permit Required

The Planning Board shall be the Special Permit Granting Authority for an Age-Restricted Residential Development ("Development") and may grant a Special Permit in accordance with the provisions of this zoning bylaw for the construction and occupancy of such a development in zoning districts specified for such use in *Table 1: Chester Schedule of Use Regulations* of Chapter 3.0.

### 5.5.3 Permitted Uses

The following uses may be permitted in an Age-Restricted Residential Development:

1. Single-family dwellings;
2. Two-family dwellings;
3. Multifamily dwellings, not to exceed six (6) attached dwelling units;
4. Recreational uses and community facilities;
5. Any mixture of the above-listed structures; and
6. Accessory uses customarily incidental and subordinate to the principal uses listed above, but expressly excluding any commercial or retail enterprises.

No structure designed or intended for business use, except for the development office, shall be a part of any Age-Restricted Residential Development.

#### 5.5.4 Age Restriction

The age-restricted residential development shall provide dwellings limited to use and occupancy primarily by persons at least 55 years of age or older and primarily able to maintain their lifestyle without the help of additional on-site support services.

1. Not more than three (3) residents shall occupy any dwelling unit.
2. All occupants of a dwelling unit shall be age 55 or older except as follows:
  - a. A spouse or cohabitating partner of an occupant age 55 or older.
  - b. An occupant who survives his or her spouse or partner.
  - c. Not more than one child residing with his or her parent(s), provided that said child is 18 years of age or older.
  - d. A required home health aide provider of the primary resident.
3. The owner of the development shall publish and follow policies and procedures that demonstrate the intent to be housing for persons 55 and older, including federal Housing and Urban Development (HUD) rules for verification of occupancy.

#### 5.5.5 Application & Procedure

1. The special permit application, public hearing, and decision procedures shall be in accordance with this Section 5.5, any Planning Board rules and regulations as may be promulgated, and Section 6.5.
2. The Special Permit Application shall be accompanied by a site plan set, developed by and carrying the seal of a certified professional engineer, registered land surveyor, registered landscape architect, or a combination thereof. The plan set shall include sufficient information to adequately convey, at a minimum, the existing site conditions, the proposed site layout and materials, the proposed site grading and drainage, the proposed site utilities, the proposed site erosion and sedimentation controls, the proposed site landscaping and illumination, construction details, and architectural renderings, including floor plans and elevations. The site plan set shall also be accompanied by a stormwater drainage report prepared by a Massachusetts- registered professional engineer, which shall describe conformance of the designed stormwater management system to the requirements set forth in the Massachusetts Stormwater Handbook and Stormwater

Standards, latest editions. Green Infrastructure and Low-Impact Development standards shall be utilized to the maximum practicable extent.

3. The Special Permit Application shall include a development impact statement, providing details on projected impacts to the environment, to existing transportation and utility infrastructure, and other town services. The statement shall describe how waste, including sewage, shall be managed at the site. A traffic study prepared by a Massachusetts-registered professional engineer may be required at the discretion of the Planning Board but shall in any case be required where traffic control devices are proposed or needed at any point of access. Any traffic control devices serving the development shall be designed, funded, and constructed at the project proponent's expense.

4. The Special Permit Application shall include information pertaining to the development management and marketing, including projected unit prices, construction schedule, and draft policies and procedures for establishing the age restriction for occupancy.

5. The Special Permit Application shall include adequate information so that the Planning Board can determine conformance to the following items:

- a. Consistency with the Master Plan of the Town of Chester;
- b. Enhancement and preservation of Town character, including protection from excessive traffic, and minimized impacts to utilities, town services, and aesthetics;
- c. Minimized environmental impact to the Town; and
- d. Conformance to the requirements of this chapter, including site and architectural design requirements.

6. As detailed in Section 6.5, the Planning Board may impose reasonable conditions to ensure compliance with the purpose of this bylaw.

#### 5.5.6 Dimensional and Density Standards

An Age-Restricted Residential Development shall comply with the following dimensional requirements:

1. The minimum parcel size shall be ten (10) acres.
2. The minimum parcel frontage shall be 150 feet.
3. The minimum yards to all external property lines, including street lines, shall be 50 feet.
4. Side and rear yards shall include a minimum 15'-wide landscaped buffer strip. The Planning Board may modify or waive the buffering requirement where variations in topography, natural features, vegetation, and compatible land uses allow, at the Board's discretion, for such change to the buffering requirement.
5. The minimum yards to internal features shall conform to the following:
  - a. The minimum distance from structures to internal streets shall be 25 feet.
  - b. Structures shall be separated by a minimum of 20 feet.
6. The maximum building height shall be 35' or two stories.
7. The maximum allowable density shall be four (4) units per acre, subject to open space requirements.

#### 5.5.7 Development Requirements

1. The Age-Restricted Residential Development shall be designed and constructed in conformance to the historic rural residential design features found in the Town of Chester and typical to a rural New England community. All structures shall adhere to an overarching architectural theme based on common elements, including building materials, color palette, exterior details, rooflines, etc. Site amenities shall also be selected with a common and complementary theme. All of these elements shall be identified in the permit application to the Planning Board in a narrative and graphic format and shall require Planning Board approval.
2. The Development shall have adequate water supply capacity to allow for connection to the public water supply (or well water supply if town water lines are not preexisting for the parcel), providing domestic water for use by residents as well as the installation of fire hydrants and/or well as interior fire suppression systems as may be required by building or fire code.
3. The Development shall have an adequate septic disposal system with engineered drawings and permits presented to the Chester Board of Health for approval.

4. The Development shall provide adequate parking for its residents and their visitors. At least two parking spaces shall be provided at each dwelling unit. Visitor parking areas shall be provided and adequately designated with signage. Temporary parking at mail kiosks and other common features shall be provided when intended to be accessed by motor vehicles.

5. All electrical and telecommunication services for the Development shall be installed underground, except for necessary above-ground features such as electrical transformers, utility pedestals, and similar features.

6. Interior vehicular and pedestrian circulation shall be designed to provide for the safe movement of people, vehicles, and equipment in and around the site. Access shall be provided from an existing public way which, in the opinion of the Planning Board, is adequate to service the proposed Development. Additional access may be required as a matter of public safety. Pedestrian ways shall connect to existing sidewalks when in existence at the time of construction. Interior roads shall be 24' in width and shall be constructed in conformance to the requirements set forth in the Town of Chester, Massachusetts Subdivision Regulations. Ownership and maintenance of sidewalks and interior vehicular ways shall be the responsibility of the Development and/or its agent.

#### 7. Landscaping Requirements

The Development shall utilize a comprehensive landscape plan for the entire project area, including but not limited to foundation plantings, street trees, parking areas, walkways, and buffer strips. Existing vegetation shall be retained when practicable and integrated into landscape design. Landscape maintenance, including ensuring the adequacy of buffer plantings, shall remain the responsibility of the Development and/or its agent.

#### 8. Common Open Space & Recreational Space Requirements:

At least 40% of the total parcel shall be designated as common open space. Said open space calculation shall exclude constructed impervious cover and designated private yards, patios, or gardens. Such open space shall have a shape, dimension, character, and location suitable to assure its use for park, recreation, conservation, or agricultural purposes by all Development residents. At least 1,000 square feet per dwelling unit shall be provided as "usable open space," which shall exclude wetland resource areas within the jurisdiction of the Conservation Commission, and may provide walking trails, community gardens, fitness areas or clubhouses, pickleball or bocce courts, or similar facilities. No further subdivision or transfer of ownership

of Common Open Space and Recreational Space shall be allowed. Provision shall be made so that the common open space shall at all times be readily accessible to all residents of the units in the development.

#### 9. Community Association

An owners' association shall be established requiring membership of each unit owner in the active adult community. The association shall be responsible for the permanent maintenance of communal water, sewage, recreational and thoroughfare facilities. An association agreement or covenant shall be submitted with the application guaranteeing the continuing maintenance of such common utilities, land and facilities, assessing each unit a share of maintenance expenses.

Such agreement shall be subject to the review and approval of legal counsel representing the Town of Chester and the Planning Board and shall be recorded in the Hampden County Registry of Deeds.

Such agreements or covenants shall provide that in the event that the association fails to maintain the common facilities in reasonable order and condition in accordance with the agreement, the Town may, after notice to the association and public hearing, enter upon such land and maintain it in order to preserve the taxable value of the properties within the development and to prevent the common land from becoming a public nuisance. The covenants shall also provide that the cost of such maintenance by the Town shall be assessed ratably against the properties within the development.

#### 5.5.8 Enforcement

1. As a condition of its approval, the Planning Board may establish time limits for any development or phases thereof.

#### 5.5.9 Waivers

The Planning Board may waive or modify any requirement of this section for compelling reasons of safety, aesthetics or site design.

BY LAW NUMBER	LAND USE CLASSIFICATION	STANDARDS & CONDITIONS	R (Residential)	AR (Agricultural Residential)	B (Mixed Use Village Business)	I (Industrial)
3.0.5	RESIDENTIAL					
	Single Family Homes		Y	Y	Y	Y
	Multi-Family Homes (No age restriction)		N	N	Y	N
	Age-Restricted Residential Development	See Section 5.5	SP	SP	SP	N
	Two-family Homes		SP	SP	Y	N
	Common Access Driveways Detached One-Family Dwelling	See Section 5.2 for additional standards	Y	Y	Y	N
	Renting of Rooms or Furnishing of Board	For not more than (4) persons in a dwelling regularly occupies for residential purposes for a period not less than 30 consecutive days.	Y	Y	Y	N
	Dwelling Conversion	Conversion of a one-family dwelling existing at the time of the adoption of this Zoning Bylaw in 1968 into a two-family dwelling	SP	SP	N	N
	Mobile Home	See Section 3.1 for additional information	N	N	N	N
	Creative Development	See Section 5.3 for additional standards	N	SP	N	N

3.3.1 A dwelling hereafter erected in any district shall be located on a lot having not less than the minimum requirements set forth in the Table 2, and no more than one dwelling shall be built upon any such **lot except by Special Permit for age-restricted residential developments**. No existing lot shall be changed as to size or shape so as to result in the violation of the requirements set forth in Table 2.