

ARTICLE: 56 Amend Zoning Bylaw Sections 1.3 (Definitions), 5.4 (ACTIVE ADULT NEIGHBORHOOD Overlay District), and 8.9 (Inclusionary Housing)

To see if the Town will vote to amend the Zoning Bylaw by amending Sections 1.3, 5.4, 8.9.1, 8.9.2.1, 8.9.5.1, 8.9.5.2, and 8.9.6.2 to read in their entirety as stated below in section (A-D) of this article; and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Zoning Bylaw; or to take any other action relative thereto.

A) Amend Section 1.3 (Definitions) by amending the following definitions to read in their entirety as stated below:

ACTIVE ADULT NEIGHBORHOOD (AAN) - A group of DWELLING UNITS subject to specific site and building design standards to aid older adults in aging in place within a communal environment.

B) Amend Section 1.3 (Definitions) by adding new definitions to read in their entirety as stated below:

ACTIVE ADULT NEIGHBORHOOD OPEN LAND DESIGN PROCESS – A process for designing the AAN site plan undertaken by appropriate professionals in fields including, but not limited to, landscape architecture, urban design, engineering and environmental science, which documents the chronological process for designing an AAN as described in Section 5.4.12 (ACTIVE ADULT NEIGHBORHOOD OPEN LAND DESIGN PROCESS) of the Zoning Bylaw, through the identification of conservation areas, locating the dwelling sites, determining the layout of streets and trails and drawing in the lot lines, in the order so described.

COTTAGE DWELLING - A detached one-family dwelling that does not exceed 1,800 sq. ft. of livable floor area (meaning the heated floor area of the building above finished grade, excluding non-dwelling areas such as attic space, basement or detached garage).

COTTAGE DWELLING ALLEY – A private RIGHT OF WAY of 20 – 24' feet wide meeting the requirements of the National Fire Protection Association standards, and primarily designed to provide vehicular access to the rear of COTTAGE DWELLINGS.

COTTAGE DWELLING COMMON AREA – The shared area of pedestrian accessible open space associated with COTTAGE DWELLINGS, which may include but not be limited to gardens and pedestrian courtyards.

POCKET OPEN LAND - Areas of undisturbed land not less than .25 acres in size, owned and managed as common land by the HOMEOWNERS ASSOCIATION and not subject to the OPEN LAND ownership requirements of Section 5.4.13.5 of the Zoning Bylaw.

TOWNHOME - A DWELLING containing three or more DWELLING UNITS in a row, in which each DWELLING UNIT has its own access to the ground, no DWELLING UNIT is located over another, and each DWELLING UNIT is separated by one or more walls. There shall be no more than four (4) DWELLING UNITS in any residential TOWNHOME.

<p>C) Amend Section 5.4 (ACTIVE ADULT NEIGHBORHOOD) to read in its entirety as stated below:</p>

5.4 ACTIVE ADULT NEIGHBORHOOD Overlay District

5.4.1 Purpose - Stow cherishes the wisdom and experience of our citizens, and encourages participation in the town by all residents. This bylaw is intended to provide a diversity of housing specifically designed and targeted to older adult residents who wish to downsize from the traditional single-family home or age in place in a communal setting without requiring an age-restriction. The ACTIVE ADULT NEIGHBORHOOD (AAN) shall be designed to meet the following goals:

- provide for universal accessibility designs to allow adults to age in place;
- promote a sense of community among its residents through the use of traditional neighborhood design principles, pedestrian accessibility and shared communal spaces, such as gardens and commons;
- Incentivize diversity of housing types to encourage opportunities for homeownership at various income levels;
- be in harmony with the natural terrain and consistent with Stow's rural New England character;
- emphasize and require protection of existing resources on the site, including natural resources, agriculture, recreation and trail connectivity;

5.4.2 Applicability - An AAN shall only be permitted by Special Permit, and any amendments thereto from the Planning Board, acting as the Special Permit Granting Authority, in accordance with MGL Ch. 40A, s.9 on land located in the AAN Overlay District.

5.4.3 AAN Overlay District - This district shall be an overlay district and shall include parcels of land depicted on a map dated May 13, 2002 and entitled "Active Adult Neighborhood Overlay District", or any amendments thereto. This map is hereby adopted coincident with the adoption of this Bylaw. Development in an AAN Overlay District is subject to all provisions of the remainder of the Zoning Bylaw, except to the extent provided in Section 5.4, ACTIVE ADULT NEIGHBORHOOD Overlay District.

5.4.3.1 Any ACTIVE ADULT NEIGHBORHOOD permitted prior to the adoption of this Bylaw amendment (May 22, 2021) shall be considered conforming, providing it conforms to the previous version of Section 5.4 ACTIVE ADULT NEIGHBORHOOD Overlay District in effect prior to the adoption of this amendment.

5.4.3.2 Section 8.9, Inclusion of Affordable Housing, shall govern the inclusion of housing eligible on the Department of Housing and Community Development's Subsidized Housing Inventory in the AAN Overlay District.

5.4.4 Permitted Uses - There shall be permitted in any AAN District:

5.4.4.1 Single-family DWELLINGS;
COTTAGE DWELLINGS;
TOWNHOMES;
MULTI-FAMILY DWELLINGS.

5.4.4.2 MULTI-FAMILY DWELLINGS, including DUPLEXes, provided that they are designed to be consistent in architectural character with the single-family DWELLINGS in the same development unless specifically waived under Section 5.4.4.4 of the Zoning Bylaw.

5.4.4.3 TOWNHOMES, provided that they are designed in accordance with Section 5.4.11.

5.4.4.4 The Planning Board may allow for an increase in the number of DWELLING UNITS allowed in a MULTI-FAMILY DWELLING or TOWNHOME where the required design approaches of Section 5.4.11 can be demonstrated for the specific STRUCTURES subject to the request.

5.4.4.5 Accessory uses and structures incidental to principal uses indicated above, including but not limited to:

- a. Communal spaces for residents, employees, and guests, such as central or common dining facilities, communal kitchen spaces, indoor or outdoor recreation facilities, gardens and/or parks;
- b. Conservation or agricultural uses.

5.4.5 Procedural Requirements

5.4.5.1 Application for an AAN Special Permit - An application for an AAN Special Permit shall be submitted in writing and meeting the requirements set forth herein and all other information that may be required by the Planning Board under its Rules and Regulations for Special Permits and Active Adult Neighborhoods.

5.4.5.2 Any new AAN and any proposed modification of an AAN shall be allowed only by Special Permit from the Planning Board in accordance with MGL Ch. 40A, s.9, subject to the requirements, conditions and limitations contained herein and in the Rules and Regulations adopted by the Planning Board.

5.4.5.3 AAN Regulations - The Planning Board shall adopt and maintain a set of AAN Rules and Regulations that contain the necessary policies, procedures, and requirements to implement the provisions of this Section.

5.4.5.4 In order to streamline the permitting process, if the proposed AAN involves any other use that requires a Special Permit or Site Plan Approval by the Planning Board, the proceedings for all such Special Permits and the Site Plan Review shall occur in one

consolidated proceeding. If the proposed AAN requires a permit from two different permit granting authorities, the Planning Board or other Permit Granting Authority may request that a joint public hearing be held and shall conduct reviews simultaneously, to the extent possible.

- 5.4.5.5 An Application shall be submitted to the Planning Board in accordance with the Rules and Regulations for AAN Special Permits and Rules and Regulations Governing the Subdivision of Land as applicable.

To enable the Planning Board to determine whether or not a proposed AAN satisfies the purposes and standards of the OPEN LAND Requirements of Section 5.4.13, an applicant shall present sufficient information on the environmental and OPEN LAND resources for the Board to make such a determination. The required information shall be provided in the form of the ACTIVE ADULT NEIGHBORHOOD DESIGN PROCESS described in Section 5.4.12 of this Bylaw.

5.4.6 Dimensional Requirements

- 5.4.6.1 There shall be no minimum LOT area, FRONTAGE, FLOOR AREA RATIO, LOT width or YARD requirements within an AAN or for any LOT or BUILDING within an AAN except as provided in this Section and as stated in Section 5.4.10, COTTAGE DWELLING Site Standards. However, an AAN shall comply with the applicable requirements of the Water Resource Protection and Flood Plain Overlay Districts. The Planning Board may impose appropriate additional conditions on the location, layout and size of BUILDINGS, STRUCTURES and OPEN SPACE.

An AAN shall be built according to the following dimensional standards:

Minimum TRACT OF LAND area	25 acres
Minimum frontage of TRACT OF LAND	No Minimum Required
Minimum TRACT OF LAND width	No Minimum Required
Minimum SIDE and REAR YARDS of TRACT OF LAND	No Minimum Required
Minimum setback of BUILDINGS, pavement areas other than ACCESS DRIVEWAYS 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	35 feet
Minimum OPEN SPACE	50% (OPEN SPACE shall not contain more than 50% wetlands, as defined in MGL Ch. 131, S.40 and the Stow Wetlands Protection Bylaw.)
Maximum density	3 DWELLING UNITS per acre of DEVELOPABLE SITE AREA
Maximum DWELLING UNITS per BUILDING	4**

* Nothing in this Section shall preclude the Planning Board from reducing or waiving minimum setback requirements between buildings or internal lots created within the ACTIVE ADULT NEIGHBORHOOD Overlay District or between the boundaries of the TRACT OF LAND.

** See Section 5.4.4.4 for exceptions

5.4.7 **Occupancy Income Range**

- 5.4.7.1 The AAN shall be designed to provide housing for occupants earning a broad range of incomes, as defined by DHCD for the Town of Stow. The AAN shall comply with the provisions of Section 8.9 Inclusion of Affordable Housing, which requires 15% of the units to sell at a price affordable to low income QUALIFIED AFFORDABLE HOUSING PURCHASERS.
- a. Low and moderate income DWELLING UNITS created under this Section shall be restricted as such in perpetuity and comply with the provisions of MGL Ch. 184, s.31.
 - b. All low and moderate income DWELLING UNITS shall provide for notice of any proposed resale and a right of first refusal to the Town of Stow, prior to any such sale.
 - c. Rights and privileges - QUALIFIED AFFORDABLE HOUSING PURCHASERS shall have all rights, privileges and responsibilities given to owners or renters of market rate DWELLING UNITS, including access to all amenities within the development.
 - d. A Special Permit issued under this Bylaw shall include a provision stating a limit on the number of Building Permits that may be issued until such time as the Town of Stow has received written correspondence from the Department of Housing and Community Development (DHCD) that the low or moderate income DWELLING UNITS, authorized as a result of the Special Permit, will be included in DHCD's Subsidized Housing Inventory of low income or moderate income housing DWELLING UNITS for the purposes of compliance with the provisions of Massachusetts General Laws Chapter 40B, § 20-23. In the event the Special Permit issued under this Bylaw does not include such provision, the written correspondence from DHCD describe herein shall be required prior to the issuance of the first Building Permit. The correspondence from DHCD must provide documentation that the low or moderate income DWELLING UNITS will be treated as if they were created pursuant to an application for a Comprehensive Permit and qualifying programs thereunder.
 - e. Purchaser/tenant selection - Procedures for the selection of purchasers and/or tenants shall be subject to approval by the Town of Stow or its designee.
 - f. Timing of commitments - All contractual agreements with the Town of Stow and other documents necessary to ensure compliance with this Section shall be executed prior to and as a condition of the issuance of any Special Permit required to commence construction.
 - g. Timing of construction - As a condition of the issuance of a Special Permit under this Section, the Planning Board may set a time schedule for the construction of both low income or moderate income and market-rate DWELLING UNITS. No Certificate of Occupancy shall be issued for any market-rate DWELLING UNIT in a development, subject to the requirements of this Section, until there have been issued Certificates of Occupancy for low income or moderate income DWELLING UNITS in an amount equal to the percentage of low income or moderate income UNITS, which are to be constructed in the development.

- h. The above provisions apply to all on-site, buildings and existing housing stock made affordable with AAN provided funds.

5.4.8 Age-Targeted Design Standards

- 5.4.8.1 The design of the AAN Overlay District shall encourage housing options in a walkable, Americans with Disabilities Act (ADA) compliant environment that encourages and supports aging in place in a communal setting. At a minimum, all DWELLING UNITS shall incorporate the following designs:

- a. At least one zero-step entrance,
- b. Doorways with a 36-inch clear passage space,
- c. Master bedroom, en-suite bathroom, kitchen, living room and dining room on the same floor as the zero-step entrance,
- d. Master bedroom and en-suite bathroom designed in a manner that allows for future mobility impairment modifications, and
- e. Options for shared, indoor or structured parking.

- 5.4.8.2 The Planning Board may waive the requirement for a zero step entrance in Section 5.4.8.1(a) where the physical site constraints are shown to make it impracticable to provide for a zero-step entrance and where the Applicant can demonstrate that a diversity of unit types throughout the development include a zero step entrance where feasible.

- 5.4.8.3 Shared Community Space – An AAN shall provide shared indoor and outdoor facilities, open to all residents of the AAN, for the purpose of incentivizing community interaction and social engagement.

- a. Outdoor community spaces may include but not be limited to shared community facilities such as walkways, paths and multi-use trails, community gardens, courtyards, and recreation areas, all of which shall be designed for universal access and comply with the MA Architectural Access Board, with the exception of primitive walking/nature trails.
- b. Indoor community facilities may include, but not be limited to clubhouses, community kitchens, pools and event spaces. All STRUCTURES, other than DWELLINGS, shall be designed for community use.

- 5.4.8.4 Indoor community facilities, such as clubhouses, community kitchens and other STRUCTURES designed for community use shall comply with the MA Architectural Access Board's standards for ADA compliance.

5.4.9 Special Housing Standards

- 5.4.9.1 In no case shall the total number of DWELLING UNITS in the AAN Overlay District exceed thirteen percent (13%) of the total number of single-family DWELLING UNITS in the Town of Stow at the time of the adoption of this Bylaw on May 22, 2021, defined as the sum of all single-family DWELLING UNITS with the State Use Code 101 as assigned by the Massachusetts Department of Revenue and documented by the Stow Assessors Department.

- 5.4.9.2 The DWELLING UNITS proposed in an AAN shall be governed by a single HOMEOWNERS ASSOCIATION.

- 5.4.9.3 To the extent practicable, all DWELLING UNITS in an AAN, including those restricted to meet DHCD affordability standards shall be evenly distributed in terms of size and type, for the purpose of providing a diversity of unit size and affordability. The Planning Board will accept deviations from this expectation where certain DWELLING types are grouped together to form a cohesive pocket neighborhood, including but not limited to the inclusion of COTTAGE DWELLINGS.
- 5.4.9.4 At least 30% of total number of units in an AAN shall have a gross floor area below 1,800' square feet. At least 50% of those units below 1,800' square feet shall be comprised of detached housing types.
- 5.4.9.5 No DWELLING UNIT in an AAN shall contain more than two bedrooms.

5.4.10 COTTAGE DWELLING Site Standards

- 5.4.10.1 COTTAGE DWELLINGS are intended to be a community of modestly sized DWELLING UNITS arranged around a shared COTTAGE DWELLING COMMON AREA. In addition to the standards described in Section 5.4.10 of the Zoning Bylaw, COTTAGE DWELLINGS shall be further designed in conformance with the ACTIVE ADULT NEIGHBORHOOD Rules and Regulations.
 - a. COTTAGE DWELLING neighborhoods shall consist of a minimum of four (4) dwelling units and a maximum of Eighteen (18) dwelling units.
 - b. COTTAGE DWELLINGS shall be oriented toward the COTTAGE DWELLING COMMON AREA. In the event that physical site restraints preclude the ability for all units to be oriented toward the COTTAGE DWELLING COMMON AREA, the Planning Board may use appropriate discretion in determining the orientation.
- 5.4.10.2 **COTTAGE DWELLING Building Standards** - A COTTAGE DWELLING neighborhood is expected to reflect a coherent design concept and include architectural elements that ensure compatibility with the neighborhood cluster in a manner that is consistent with the overall community character of the AAN. Specific BUILDING standards for COTTAGE DWELLINGS shall conform to the ACTIVE ADULT NEIGHBORHOOD Rules and Regulations.
- 5.4.10.3 **COTTAGE DWELLING COMMON AREA Standards** – COTTAGE DWELLING COMMON AREAs shall be designed as contiguous natural or landscaped spaces that provide pedestrian access to each abutting COTTAGE DWELLING unit. Vehicles shall not be accommodated within the COTTAGE DWELLING COMMON AREA.
 - a. COTTAGE DWELLING COMMON AREAs may be divided into two separate common areas connected by a pedestrian network. Narrow strips of common area are discouraged, unless utilized for pathways or walkways;
 - b. COTTAGE DWELLING COMMON AREA shall be improved for passive or active recreational use. Examples may include but are not limited to courtyards, orchards, landscaped picnic areas or gardens. Common areas may include amenities such as but not limited to seating, landscaping, trails, gazebos, barbecue facilities, covered shelters or water features.
 - c. Stormwater management areas shall not be counted toward the COTTAGE DWELLING COMMON AREA requirement.

5.4.10.4 Access and Parking for COTTAGE DWELLINGS

COTTAGE DWELLINGS shall be accessed by a STREET or COTTAGE DWELLING ALLEY meeting the standards of the Rules and Regulations Governing the Subdivision of Land. Vehicular access to COTTAGE DWELLINGS shall be provided via INTERIOR DRIVEWAYS at the rear of the STRUCTURE, on-street parking accommodations or shared parking arrangements designed in conformance with ACTIVE ADULT NEIGHBORHOOD Rules and Regulations.

5.4.10.5 COTTAGE DWELLING units shall not include attached garages.

5.4.10.6 Access STREETS, including COTTAGE DWELLING ALLEYS, shall meet the requirements of the National Fire Protection Association standards as amended.

5.4.11 Architecture and Site Design for ACTIVE ADULT NEIGHBORHOODS

5.4.11.1 Mandatory Design Findings – In addition to the Mandatory Findings for Special Permits in Section 9.2.6 of the Zoning Bylaw, the Planning Board shall not issue a Special Permit for an AAN unless, without exception, it shall find that the proposed use and development meets the following site design and architectural goals:

- a. Architecture– BUILDINGS are generally reflective of traditional New England vernacular architecture that exemplifies Stow’s regional architectural style, including predominately gable-type roofs.
- b. Proportion – BUILDINGS, including detached and attached DWELLINGS present a balance in height and width that is common or typical to traditional New England architectural styles.
- c. Scale and Height – Building heights as measured along the street frontage or pedestrian courtyard vary, rather than appear uniform from the primary vantage point. The BUILDINGS are articulated to achieve a human scale and interest, including the use of different textures, shadow lines, detailing and contrasting shapes.
- d. Massing - BUILDINGS incorporate facades and roof lines that are designed to reduce the massing and bulk so that it appears as a group of smaller masses with a distinct vertical orientation MULTI-FAMILY DWELLINGS and TOWNHOMES include facades and architectural characteristics that are designed to define and accentuate the appearance of each individual unit through the use of varied textures, materials and setbacks from the BUILDING’s primary vantage point.
- e. Orientation – The relationship between BUILDINGS, STREETS, and pedestrian and community amenities shall be designed to encourage community interaction and accessibility for people of all ages and abilities. The development includes

BUILDINGS that are oriented to pedestrian infrastructure and to other BUILDINGS where feasible through the creation of courtyards, plazas and other non-vehicular modes of access. Garages are placed along the sides or rear of BUILDINGS to the extent practicable, accessed via alleys and shared driveways.

- f. Street Network – DWELLINGS are serviced by a mix of primary and secondary STREETS, utilizing eyebrows, cul-de-sacs, and alleys, among other techniques to provide access to neighborhoods of various housing types.
- g. Connectivity – DWELLINGS and neighborhood clusters provide for relatively balanced access to pedestrian amenities, including shared access points to preserved OPEN LAND, multi-use trails, walking paths, sidewalks and shared community amenities.

The development is connected to the existing Stow STREET network through sidewalks and or accessible walking paths. Public gathering spaces, such as pick-up and drop off areas, that may or may not include bus shelters are provided at key intersections to accommodate transit opportunities. STREETS connect to other STREETS in the development and to the existing STREET network in a manner that provides for multiple routes of travel.

- h. Landscaping – The site plan uses landscaping to soften the visual impact of BUILDINGS, create shade along roadways, parks and pedestrian courtyards and provide visual separation between pedestrian and vehicular spaces. Landscaping is utilized to create attractive, functional and decentralized stormwater management techniques that complement the existing topography and neighborhood design, including but not limited to rain gardens, detention ponds and other low impact development techniques.

5.4.11.2 **Access to Development** - In the event that the land that comprises an AAN is located in different zoning districts, it shall be a permitted USE in each such zoning district not in the ACTIVE ADULT NEIGHBORHOOD Overlay District for roadways and driveways to provide access to land and BUILDINGS in the District.

5.4.11.3 **Streets and Utilities** - All streets and ways, whether public or private, wastewater disposal systems, drainage facilities, drinking water supplies, and utilities shall be designed and constructed in compliance with the Town of Stow Rules and Regulations Governing the Subdivision of Land, as amended.

- a. Access Roads, driveways, common driveways, alleys and subdivision roads, either intended for public or private use shall conform to the National Fire Protection Association standards as amended, inclusive of all Massachusetts amendments. In the event that the Fire Chief, acting as the *Authority Having Jurisdiction*, encounters a conflict between the NFPA standards and the Subdivision Rules and Regulations, the NFPA standards shall control.
- b. All wastewater and public and/or private water supply wells shall conform to the requirements of the Stow Board of Health and/or the Massachusetts Department of Environmental Protection regulations as applicable.

- 5.4.11.4 **Sidewalks, Walking Paths and Trails** – Sidewalks shall be required for all developments in the AAN District in accordance with the following schedule of street types as described in the Planning Board's Rules and Regulations Governing the Subdivision of Land:
- a. Access Street and Sub-Collector Streets shall have a sidewalk required on one side of the travelled street.
 - b. Single Access Streets shall have a sidewalk required on one side of the street and around the entire length of the turnaround.
 - c. Entrances to garages that front a STREET with a sidewalk shall contain adequate setbacks from the STREET to ensure that vehicles parked in the driveway do not protrude into the sidewalk.
- 5.4.11.5 The Planning Board may waive the requirement for a sidewalk where the homes that would otherwise be served by the sidewalk have adequate access to an alternative pedestrian provision, such as a multi-use path or an improved trail containing a surface treatment that eliminates trip hazards, can be maintained year round, and with a grade which meets the MA Architectural Access Board standards for trails and similar pedestrian improvements.
- 5.4.11.6 Internal primitive walking trails and nature paths are encouraged as a means to provide additional connections between areas of OPEN LAND and neighborhood clusters. However, such trails shall not be considered by the Planning Board to be an adequate provision for waiving the requirements for sidewalks in Section 5.4.11.4.
- a. Improved trails, multi-use paths, and primitive nature trails shall include adequate signage as viewed from a sidewalk or street to direct pedestrians toward the trail entrance.

5.4.12 ACTIVE ADULT NEIGHBORHOOD OPEN LAND DESIGN PROCESS

- 5.4.12.1 The application for an AAN shall demonstrate to the Planning Board that the following design process was performed, in the order prescribed below. The design process shall be undertaken by an interdisciplinary team of qualified professionals, including but not limited to landscape architects, engineers or environmental professionals, and in conformance with the Rules and Regulations for AAN Special Permits, to determine the layout of proposed streets, parcel boundaries, building envelopes, easements and locations of all common areas and open land.
- a. Calculate the gross area of the proposed AAN locus, which shall include all parcels of land that are to be developed, preserved or otherwise altered in accordance with this Bylaw.
 - b. Calculate the size of the OPEN LAND to be preserved by multiplying the AAN locus by 50%.
 - c. Identification of Conservation Resources – The Applicant shall identify and show the location of PRIMARY CONSERVATION RESOURCES and SECONDARY CONSERVATION RESOURCES. The potentially developable area of the site will consist of land outside identified PRIMARY CONSERVATION RESOURCES to the extent described herein and outside the SECONDARY CONSERVATION

RESOURCES to the fullest extent practicable. It is strongly recommended that the Applicant meet with Planning Board and Conservation Commission staff during the process of identifying conservation resources.

- d. Locating Dwelling Sites – Locate the approximate sites of individual DWELLINGS within the potentially developable area, including the delineation of private yards and shared amenities.
- e. Locating Streets and Trails – Layout streets in order to access the individual dwellings. Any trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks and/or trails.
- f. Lot Lines – Draw proposed lot lines or areas of exclusive use if proposed for condominium or other common ownership.

5.4.13 OPEN LAND Requirements

5.4.13.1 The OPEN LAND within an AAN shall be perpetually kept in an open state, preserved exclusively for the purposes set forth in Section 5.4.13.8 (Allowable use of OPEN LAND) of this Bylaw, and maintained in a manner that will ensure its suitability for its intended purposes.

5.4.13.2 Minimum - A minimum of 50% of the gross area of the proposed AAN locus, which shall include all parcels of land that are to be developed, preserved or otherwise altered in accordance with Section 5.4 of this Bylaw shall be set aside as permanently conserved OPEN LAND.

- a. The minimum required area of the OPEN LAND shall not contain more than 50% wetlands, as defined in G.L. c.13, s.40 and the Stow Wetland Protection Bylaw;

5.4.13.3 POCKET OPEN LAND – For the purpose of reducing the amount of clearing in the AAN locus and preserving the wooded, rural feel of the land, the Planning Board may permit up to 5% of the required OPEN LAND set aside to consist of POCKET OPEN LAND.

In the event that a HOMEOWNERS ASSOCIATION is selected to own and manage the required OPEN LAND in accordance with Section 5.4.13.5 of this Bylaw, then all POCKET OPEN LAND shall be included in the required conservation restriction in accordance with Section 5.4.13.6 of this Bylaw.

5.4.13.4 OPEN LAND Design Requirements – The location of OPEN LAND provided through this bylaw shall be consistent with the ACTIVE ADULT NEIGHBORHOOD OPEN LAND DESIGN PROCESS, as well as policies contained in the Town of Stow Master Plan and Open Space and Recreation Plan. The following design requirements shall apply to the OPEN LAND:

- 1. Open Land shall be planned as large, contiguous areas. Long, thin strips or narrow areas of OPEN LAND shall occur only when necessary to provide for:
 - a. Enhanced access to the OPEN LAND;
 - b. Vegetated buffers along wetlands;

- c. Buffers to areas of existing or potential agricultural use;
 - d. Buffers to any other existing use abutting the AAN Locus if it can be shown, to the satisfaction of the Planning Board that such areas are particularly sensitive to the AAN development due to specific site characteristics;
 - e. connections between open space areas.
2. OPEN LAND may be in more than one parcel provided that the size, shape and location of such parcels are suitable for the designated uses. Where feasible, these parcels shall be linked by trails.
 3. Where the proposed development abuts or includes a body of water or a wetland, these areas and the 100 foot buffer to such areas should be incorporated into the OPEN LAND where feasible.
 4. OPEN LAND shall be designed to encourage access from existing or proposed roads and abutting open space lands by providing for adequate upland access at least forty (40) feet wide and suitable for a footpath.
 5. OPEN LAND shall primarily consist of open fields and undisturbed woodlands and other natural areas, or restored areas. Lawn and landscaped areas shall not be counted toward OPEN LAND requirements.
 6. Prior to conveyance, the Planning Board may require OPEN LAND that has been degraded by extraction, site grading or similar activities to be restored, where such restoration would benefit PRIMARY CONSERVATION RESOURCES and SECONDARY CONSERVATION RESOURCES.
 7. Where a proposed development abuts existing land held for conservation purposes, the development shall be designed to maximize contiguous protected land, and minimize adverse impacts to the existing conserved land. Trail connections shall be provided where appropriate. The Planning Board shall give consideration to the recommendations of the existing conservation land owner with regard to access, parking and connecting trails.

5.4.13.5 Ownership of the OPEN LAND - At the applicant's discretion and subject to Planning Board Approval, the OPEN LAND may be owned by one or more of the following:

- a. The Town of Stow and accepted by it for park or open space use consistent with G.L. c.40A, s.9;
- b. A non-profit organization, or agency of the Commonwealth, with their consent, whose principal purpose is the conservation of OPEN LAND for any of the purposes set forth herein;
- c. A HOMEOWNERS ASSOCIATION as defined herein owned jointly in common by the owners of LOTS or units within the project.

5.4.13.6 Selection of ownership option "c" above requires:

- a. A conservation and/or historic restriction to a third party conservation organization or agency pursuant to G.L. c.184, s.31-33 as outlined herein;

- b. The granting of an access easement to the Town over such land sufficient to ensure its perpetual maintenance as agricultural, conservation, or recreation land.
- c. Such easement shall provide that in the event the trust or other owner fails to maintain the OPEN LAND in reasonable condition, the Town may, after notice to the lot owners and after a public hearing is held, enter upon such land to maintain it in order to prevent or abate a nuisance. The cost of such maintenance by the Town shall be assessed against the property owners within the development and/or to the owner of the OPEN LAND. Pursuant to G.L. c.40, s.58 the Town may file a lien against the lot or lots to ensure payment for such maintenance. Pursuant to G.L. c.40, s.57 the Town may also deny any application for, or revoke or suspend a building permit or any local license or permit, due to neglect or refusal by any property owner to pay any maintenance assessments levied.

5.4.13.7 Timing – The Planning Board shall specify in its final Decision at what phase in the development any deed, restriction or other legal document necessary to permanently conserve OPEN LAND as required herein shall be recorded with the Registry of Deeds.

5.4.13.8 Allowable Use of the OPEN LAND - Such land shall be perpetually kept in an open state, preserved exclusively for the purposes set forth in this Bylaw and in the deed and/or in the restriction, and maintained in a manner which will ensure its suitability for its intended purposes.

- a. The OPEN LAND shall only be used for the following purposes: wildlife habitat, conservation, historic preservation, outdoor education, passive and active recreation, aquifer protection and public water supply, agriculture, horticulture, forestry, and shall be served by suitable access for such purposes. Potential, current or acceptable uses of the open land identified during the Design Process shall be noted on the AAN plan with reference in the deeds of the lots created or altered through the AAN plan approval process. Permissible uses of the OPEN LAND shall not be inconsistent with protection of the resources in the OPEN LAND.
- b. The Planning Board shall permit a small portion of the OPEN LAND, not to exceed 5%, to be paved or built upon for STRUCTURES accessory to the dedicated use or use(s) of such OPEN LAND (i.e. barns, or other farm structures, parking to facilitate public access for passive recreation, informational kiosks, pedestrian walks and bike paths) so long as the conservation values of the OPEN LAND are not compromised beyond what is reasonably necessary to facilitate the allowed uses.
- c. Preferably any such area to be paved or built upon shall utilize permeable pavement and/or other means of retaining natural hydrology. Treated stormwater may be discharged into the protected OPEN LAND or land subject to a restrictive covenant.
- d. The following infrastructure may be located on the OPEN LAND as permitted or regulated by Title 5 or local Board of Health regulations, if serving the AAN, and if such use, in the opinion of the Planning Board, enhances the specific purpose of the AAN to promote better overall site planning.
 - 1. rain gardens;
 - 2. constructed wetlands;

3. any other decentralized stormwater management systems consistent with the Massachusetts Stormwater Handbook, as amended, that serve the AAN.
- e. The following infrastructure may be counted toward the OPEN LAND requirement as permitted or regulated by DEP, Title 5 or local Board of Health regulations, provided that such infrastructure is located on a parcel owned by the HOMEOWNERS ASSOCIATION serving the AAN, and if such use, in the opinion of the Planning Board, enhances the specific purpose of the AAN to promote better overall site planning:
1. common subsurface leaching fields and other underground components of wastewater systems, provided the Planning Board finds such infrastructure is designed and located to enhance the shared outdoor community spaces required in Section 5.4.8.3.
 2. public water supply wells;
- 5.4.13.9 Easements for infrastructure outlined in Section 5.4.13.8(d) of the Zoning Bylaw shall be no larger than reasonably necessary. To the extent feasible, infrastructure referenced in Section 5.4.13.8 of the Zoning Bylaw shall be located to minimize any effect on the PRIMARY and SECONDARY CONSERVATION RESOURCES of the site.
- 5.4.13.10 The OPEN LAND may be used as the land subject to a restriction for the purpose of an aggregate calculation under Title 5 of the Sanitary Code.
- 5.4.13.11 Monumentation - Monumentation shall clearly delineate the interior and exterior boundaries of the protected OPEN LAND in manner that facilitates monitoring and enforcement.
- 5.4.13.12 Subdivision - Neither further division of the protected OPEN LAND into LOTs nor the use of the protected OPEN LAND toward any further building requirements on this or any other LOT is permitted;
- 5.4.13.13 Maintenance - The Planning Board shall require, in accordance with the ACTIVE ADULT NEIGHBORHOOD Rules and Regulations, the submission of an operations and maintenance plan for the OPEN LAND in the event the OPEN LAND is owned by a HOMEOWNERS ASSOCIATION, and may require an operations and maintenance for the OPEN LAND in the event the OPEN LAND is owned by the Town of Stow, a non-profit organization or agency of the Commonwealth. Such operations and maintenance plan is intended to ensure that stormwater facilities and utilities are properly maintained and the OPEN LAND is not used for storage or dumping of refuse, junk, or other offensive or hazardous materials inconsistent with intended uses of the OPEN LAND as stated in Section 5.4.13.8 (Allowable Use of the OPEN LAND) of this Bylaw and/or as stated in the language of an applicable conservation or agricultural deed restriction.
- 5.4.13.14 Conveyance - At the time of its conveyance the Open Land shall be free of all encumbrances, mortgages, liens or other claims, except as to easements, restrictions and encumbrances required or permitted by this Bylaw.

- 5.4.14 The Planning Board, in granting a Special Permit for an AAN, may impose reasonable conditions to protect the environment, and the health, safety and welfare of the neighborhood, of residents in the proposed development, and of the general public. Such conditions may include, but shall not necessarily be limited to, requirements for the tertiary treatment of wastewater effluent, the location of wastewater effluent disposal, and necessary limitations on the total number of DWELLING UNITS to prevent negative impacts on the groundwater and other existing or potential water resources.
- 5.4.15 Performance Guarantee - Before the issuance of any building permits for the AAN, the petitioner shall agree to complete the required improvements specified in the decision, such construction and installation to be secured in accordance with performance guarantee requirements of the Town of Stow Rules and Regulations Governing the Subdivision of Land to the extent applicable and/or the regulations adopted pursuant to the ACTIVE ADULT NEIGHBORHOOD Overlay District Bylaw for this purpose. Exceptions to the Regulations that may be adopted pursuant to this bylaw may be authorized by the Planning Board in granting a Special Permit hereunder, provided the Board determines such exceptions are in the public interest and are consistent with the purposes of Section 5.4 of the Bylaw.
- 5.4.16 Revisions and Amendments of an AAN Special Permit - Any change which, in the sole opinion of the Planning Board, would alter the character of an AAN, including, but not limited to, an increase in number of total DWELLING UNITS within the AAN, an increase in the number of parking spaces, a decrease or cessation of any recreation amenities or similar use, structural change or alteration, shall require an amendment of the Special Permit or the filing of an application for a new Special Permit, as the Planning Board may determine.
- 5.4.17 Planning Board Action - In evaluating the proposed AAN, the Planning Board shall consider the general objectives of this Bylaw and of AAN's in particular: the existing and probable future development of surrounding areas, the appropriateness of the proposed layout, the configuration, and use of the OPEN LAND in relation to the characteristics of the tract of land in question. The Planning Board may grant a Special Permit for an AAN if it finds that the AAN meets the purposes of this Bylaw as set forth herein:
- A. Meets the intended purposes of this Bylaw as set forth herein;
 - B. Diversifies the housing inventory of Stow;
 - C. Meets the Site and Architectural standards outlined in Section 5.4.11 of this Bylaw;
 - D. Provides various opportunities for communal interaction and connection among residents;
 - E. Protects and enhances the rural character and environment of Stow;
 - F. Provides OPEN LAND which is of a size, shape and location and has adequate access so as to benefit the town and the residents of the AAN;
 - G. Is appropriate to the natural terrain of the tract of land to be developed;
 - H. Provides for the convenience and safety of vehicular and pedestrian movement in the development in a manner that is compatible with the narrow, tree-lined country roads of Stow;
 - I. The application set forth a specific plan for maintenance of all common facilities including but not limited to waste disposal and drainage facilities, roadways and other improvements to be constructed in an AAN;

- J. will result in the creation of DWELLING UNITS that count toward the Town's Subsidized Housing Inventory requirements as established by MGL Ch. 40B s. 20-23;
 - K. Includes some combination of energy efficiency methods and/or upgrades consistent with the emissions reductions goals expressed in MA Bill S.9 "*An Act Creating a Next-Generation Roadmap for Massachusetts Climate Policy*," for example, incorporation of bike and pedestrian infrastructure, site planning that enhances passive solar gains, enhanced insulation of BUILDINGS, vehicle charging stations and station compatibility and/or electric heat and hot water systems.
 - L. Complies with all other legal requirements for a Special Permit and the Zoning Bylaw, including those for an AAN; and
 - M. Is consistent with the Stow Master Plan or succeeding plan, as amended.
- 5.4.18 The Planning Board shall consider the recommendations of the Board of Health, the Conservation Commission and the Town's consulting engineer, and other Boards, Departments and experts, in making said findings.
- 5.4.19 The Planning Board may require changes to the "AAN Site Plan" and impose additional conditions, safeguards and limitations, as it deems necessary, to secure the objectives of this Bylaw.
- 5.4.20 The provisions of this Bylaw are severable from each other, and the invalidity of any provisions or Section shall not invalidate any other provision or Section thereof.
- 5.4.21 ACTIVE ADULT NEIGHBORHOODS constructed under a Special Permit issued in accordance with this Section are exempt from Section 8.6, Phasing of Growth.

<p>D) Amend Section 8.9 (Inclusionary Housing) by amending Section(s) 8.9.1, 8.9.2.1, 8.9.5.1, 8.9.5.2 and 8.9.6.2 to read in their entirety as stated below:</p>
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- 8.9.1 Purpose and Intent - The purpose of this Bylaw is to increase the supply of housing in the Town of Stow that is available to and affordable by low income or moderate income households who might otherwise have difficulty in finding homes in Stow, and to ensure that such housing is affordable over the long-term and provided in accordance with the requirements of Massachusetts General Law Chapter 40B and its implementing regulations, Stow Comprehensive Permit Policy, the Stow Master Plan, and other ongoing programs within the Town of Stow. It is intended that the AFFORDABLE DWELLING UNITS authorized under the provisions of this Bylaw be considered as Local Initiative Program (LIP) dwelling units in compliance with the requirements for the same as specified by the Department of Community Affairs, Massachusetts Department of Housing and Community Development (DHCD), or successor, or additional programs adopted by the Commonwealth or its agencies, and that said units count toward Stow's requirements under Massachusetts General Law Chapter 40B, Sections 20-23, as amended. Through multi-family units, developers will be able to increase the number of DWELLING UNITS within a development versus conventional developments. The increased number of

DWELLING UNITS is intended to offset the reduced revenue from the affordable homes. In those cases where the Inclusion of Affordable Housing may conflict or be inconsistent with Section 8.5, Planned Conservation Development (PCD), Section 5.4 ACTIVE ADULT NEIGHBORHOOD, or other sections of the Town of Stow Zoning Bylaw, except as otherwise expressly provided herein, the provisions of Inclusion of Affordable Housing shall be controlling.

8.9.2.1 Beginning with the effective date of this Bylaw, any development or division of land, which could result in the creation of six (6) or more DWELLING UNITS, shall require a Special Permit from the Planning Board, and shall include as a condition of said permit that:

- A. At least 10% of the units be priced for QUALIFIED AFFORDABLE HOUSING PURCHASERS;
- B. At least 15% of the units be priced for QUALIFIED AFFORDABLE HOUSING PURCHASERS within the ACTIVE ADULT NEIGHBORHOOD Overlay District.
- C. The mix of AFFORDABLE DWELLING UNITS and market rate housing built in any one year be equivalent to the overall mix for the entire development;
- D. Deed restrictions, acceptable to the Town, and established in accordance with the standards of DHCD or successor or additional programs adopted by the Commonwealth or its agencies, shall be placed on the appropriate property to ensure that AFFORDABLE DWELLING UNITS created under this section shall remain AFFORDABLE DWELLING UNITS in perpetuity or for as long a period as is allowed by law.

8.9.5.1 Allowed types of AFFORDABLE DWELLING UNITS:

- A. Single-family DWELLINGS;
- B. Single-family DWELLINGS with ACCESSORY APARTMENTS;
- C. MULTI-FAMILY DWELLINGS, which are designed to be consistent in architectural character with the single-family DWELLINGS in the same development. Such MULTI-FAMILY DWELLINGS may be allowed provided:
 - i. in terms of exterior appearance, the BUILDING is compatible in design and, to the extent practicable, indistinguishable from the single-family DWELLINGS in the same development; and
 - ii. there shall be no more than four (4) DWELLING UNITS in any residential BUILDING, except as modified in accordance with Section 5.4.4.4; and
 - iii. the total number of MULTI-FAMILY DWELLINGS shall not exceed 10% of the lots in the development; and
 - iv. the overall length of any residential BUILDING shall not exceed 100 feet.
- D. Accessory uses and structures incidental to principal uses indicated above and approved by the Planning Board.

8.9.5.1.1 Allowed types of AFFORDABLE DWELLING UNITS in the ACTIVE ADULT NEIGHBORHOOD Overlay District :

- A. Single-family DWELLINGS;
- B. COTTAGE DWELLINGS;
- C. TOWNHOMES

- D. MULTI-FAMILY DWELLINGS, which are designed to define and accentuate the appearance of each individual unit through the use of varied textures, materials and setbacks from the BUILDING's primary vantage point

8.9.5.2 Siting of AFFORDABLE DWELLING UNITS. All AFFORDABLE DWELLING UNITS that are constructed on-site under this Bylaw shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units. The Site Plan shall identify those lots selected for AFFORDABLE DWELLING UNITS.

8.9.5.2.1 AFFORDABLE DWELLING UNITS provided in connection with an ACTIVE ADULT NEIGHBORHOOD shall be constructed on the locus of the ACTIVE ADULT NEIGHBORHOOD, in conformance with Section 5.4.9.3 and shall not be subject to the provisions 8.9.4(B) allowing for construction on a non-contiguous locus.

8.9.6.2 The Planning Board may not accept a fee-in-lieu of affordable unit construction within the ACTIVE ADULT NEIGHBORHOOD Overlay District. Within the AAN, the required number of units shall be constructed in accordance with Section 8.9.4 of the Zoning Bylaw.

Planning Board Summary

This proposed update to the Active Adult Neighborhood Overlay District is intended to provide a diversity of housing specifically designed and targeted to older adult residents who wish to downsize from the traditional single-family home and age-in-place in a communal setting. The Bylaw has been updated to remove the age-restriction and better balance Stow's housing goals with expanded open space conservation, as well as architecture and site design standards that create opportunities for social interaction.

The Town of Stow is currently faced with a surge in housing demand. This update will allow the Town to steer that development pressure toward outcomes that align with the Town's goals, rather than push builders toward less compatible development options, including currently allowed uses in the underlying industrial and commercial districts.

This Active Adult Neighborhood Overlay District update removes the current age-restriction and instead utilizes a series of design principles to create homes for older adults looking to downsize. Over the past year, the Planning Board has studied "age-targeted" developments and finds that even slightly more diverse neighborhoods are in higher demand than the typical age-restricted products common throughout the region. Lastly, by removing the age-restriction, the Town aligns with state regulations prohibiting the exclusion of children in the required affordable units, allowing the Town to advance toward the state minimum requirement of affordable homes in Stow through an increased affordability requirement in the district.

Annotated Version

Additions are underlined

Deletions are ~~strike through~~

A) Amend Section 1.3 (Definitions) by amending the following definitions to read in their entirety as stated below:

ACTIVE ADULT NEIGHBORHOOD (AAN) - A group of DWELLING UNITS ~~for only adult residents of which at least one resident per DWELLING UNIT is 55 years of age or older. Such developments shall have this age restriction as part of the deed or other documents of record and running with the land for the dwellings and/or property and are permitted as exception to the Fair Housing Act pursuant to 42 USC Section 3607 B.2.c. subject to specific site and building design standards to aid older adults in aging in place within a communal environment.~~

B) Amend Section 1.3 (Definitions) by adding new definitions to read in their entirety as stated below:

ACTIVE ADULT NEIGHBORHOOD OPEN LAND DESIGN PROCESS – A process for designing the AAN site plan undertaken by appropriate professionals in fields including, but not limited to, landscape architecture, urban design, engineering and environmental science, which documents the chronological process for designing an AAN as described in Section 5.4.12 (ACTIVE ADULT NEIGHBORHOOD OPEN LAND DESIGN PROCESS) of the Zoning Bylaw, through the identification of conservation areas, locating the dwelling sites, determining the layout of streets and trails and drawing in the lot lines, in the order so described.

COTTAGE DWELLING - A detached one-family dwelling that does not exceed 1,800 sq. ft. of livable floor area (meaning the heated floor area of the building above finished grade, excluding non-dwelling areas such as attic space, basement or detached garage).

COTTAGE DWELLING ALLEY – A private RIGHT OF WAY of 20 – 24' feet wide meeting the requirements of the National Fire Protection Association standards, and primarily designed to provide vehicular access to the rear of COTTAGE DWELLINGS.

COTTAGE DWELLING COMMON AREA – The shared area of pedestrian accessible open space associated with COTTAGE DWELLINGS, which may include but not be limited to gardens and pedestrian courtyards.

POCKET OPEN LAND - Areas of undisturbed land not less than .25 acres in size, owned and managed as common land by the HOMEOWNERS ASSOCIATION and not subject to the OPEN LAND ownership requirements of Section 5.4.13.5 of the Zoning Bylaw.

TOWNHOME - A DWELLING containing three or more DWELLING UNITS in a row, in which each DWELLING UNIT has its own access to the ground, no DWELLING UNIT is located over another, and each DWELLING UNIT is separated by one or more walls. There shall be no more than four (4) DWELLING UNITS in any residential TOWNHOME.

C) Amend Section 5.4 (ACTIVE ADULT NEIGHBORHOOD) to read in its entirety as stated below:

5.4 — ACTIVE ADULT NEIGHBORHOOD (AAN)

5.4.1 Purpose — Stow cherishes the wisdom and experience of our citizens, and encourages continuity and participation in the town by its residents. This bylaw is intended to provide housing designed for adult residents age 55 and older who no longer want to maintain a single-family home. Preference shall be given to Stow residents and shall be achieved by local preference requirements as established, in accordance with all applicable law, by the Town of Stow Planning Board under its Rules and Regulations. An AAN shall be designed to:

- promote a sense of community among its residents;
- fit into the surrounding neighborhood while minimizing visual impacts;
 - be in harmony with the natural terrain and consistent with Stow's rural New England architectural and village traditions;
- promote community through clustering of BUILDINGS, provision of community gathering spaces such as gardens and commons;
- emphasize protection of existing resources on the site, including natural resources, agriculture, recreation and trail linkages.

5.4.2 Applicability — An AAN shall only be permitted by Special Permit, and any amendments thereto from the Planning Board, acting as the Special Permit Granting Authority, in accordance with MGL Ch. 40A, s.9 on land located in the AAN District.

5.4.3 AAN District

This district shall be an overlay district and shall include parcels of land depicted on a map dated May 13, 2002 and entitled "Active Adult Neighborhood District", or any amendments thereto. This map is hereby adopted coincident with the adoption of this Bylaw. Development in an AAN District is subject to all provisions of the remainder of the Zoning Bylaw, except to the extent provided in Section 5.4, ACTIVE ADULT NEIGHBORHOOD (AAN). Section 8.9, Inclusion of Affordable Housing, applies to the AAN District, except for the restriction in Section 8.9.5.1.C.iii, which states that the total number of MULTI-FAMILY DWELLINGS shall not exceed 10% of the lots in the development.

5.4.4 Permitted Uses — There shall be permitted in any AAN:

5.4.4.1 Single-family DWELLINGS, single-family DWELLINGS with ACCESSORY APARTMENTS. For the purposes of this Bylaw, an ACCESSORY APARTMENT shall be considered a DWELLING UNIT; and

5.4.4.2 MULTI-FAMILY DWELLINGS that are designed to be consistent in character with the single-family DWELLINGS in the same development. Such MULTI-FAMILY

~~DWELLINGS may be allowed, provided there shall be no more than four (4) DWELLING UNITS in any residential BUILDING; and~~

~~5.4.4.3 Accessory uses and structures incidental to principal uses indicated above.~~

~~5.4.5 Procedural Requirements~~

~~5.4.5.1 Any new AAN and any proposed modification of an AAN shall be allowed only by Special Permit from the Planning Board in accordance with MGL Ch. 40A, s.9, subject to the requirements, conditions and limitations contained herein and in the regulations adopted by the Planning Board.~~

~~5.4.5.2 AAN Regulations~~

~~The Planning Board shall adopt and maintain a set of regulations that contains the necessary policies, procedures, and requirements to implement the provisions of this Section.~~

~~5.4.5.3 Application for an AAN Special Permit~~

~~An application for an AAN Special Permit shall be submitted in writing that meets the requirements set forth herein and all other information that may be required by the Planning Board under its Rules and Regulations.~~

~~5.4.6 Dimensional Requirements - There shall be no minimum LOT area, FRONTAGE, FLOOR AREA RATIO, LOT width or YARD requirements within an AAN or for any LOT or BUILDING within an AAN except as provided in this section. However, an AAN shall comply with the applicable requirements of the Water Resource Protection and Flood Plain Districts. The Planning Board may impose appropriate additional conditions on the location, layout and size of BUILDINGS, STRUCTURES and OPEN SPACE.~~

~~An AAN shall be built according to the following dimensional standards:~~

Minimum TRACT OF LAND area	25 acres
Minimum frontage of TRACT OF LAND	No Minimum Required
Minimum TRACT OF LAND width	No Minimum Required
Minimum SIDE and REAR YARDS of TRACT OF LAND	No Minimum Required
Minimum setback of BUILDINGS, pavement areas other than ACCESS DRIVEWAYS 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	35 feet
Minimum OPEN SPACE	40% (OPEN SPACE shall not contain more than 50% wetlands, as defined in MGL Ch. 131, S.40 and the Stow Wetlands Protection Bylaw.)
Maximum density	3 DWELLING UNITS per acre of DEVELOPABLE SITE AREA
Maximum DWELLING UNITS per BUILDING	4

~~5.4.7 Special Standards~~

- ~~5.4.7.1 No more than 66 on-site DWELLING UNITS may be permitted under an AAN Special Permit. In no case shall the total number of DWELLING UNITS in the AAN Overlay District exceed six percent (6%) of the total number of single-family DWELLING UNITS in the Town of Stow.~~
- ~~5.4.7.2 Access Roads and Driveways In the event that the land that comprises an AAN is located in different zoning districts, it shall be a permitted use in each such zoning district not in the Active Adult Neighborhood Zoning District for roadways and driveways to provide access to land and BUILDINGS in the Active Adult Neighborhood Zoning District.~~
- ~~5.4.7.3 Each DWELLING UNIT in an AAN shall have at least one separate ground floor entrance/exit, unless the Planning Board permits otherwise as part of its Special Permit. In addition, the Planning Board may establish design guidelines for AANs.~~
- ~~5.4.7.4 The Planning Board, in granting a Special Permit for an AAN, may impose reasonable conditions to protect the environment, and the health, safety and welfare of the neighborhood, of residents in the proposed development, and of the general public. Such conditions may include, but shall not necessarily be limited to, requirements for the tertiary treatment of wastewater effluent, the location of wastewater effluent disposal, and necessary limitations on the total number of DWELLING UNITS to prevent negative impacts on the groundwater and other existing or potential water resources.~~
- ~~5.4.7.5 DWELLING UNITS for Handicapped Persons The Planning Board may require that some of the DWELLING UNITS be constructed so as to be suited for access and occupancy by a handicapped person or persons.~~
- ~~5.4.7.6 Performance Guarantee Before the issuance of any building permits for the AAN, the petitioner shall agree to complete the required improvements specified in the decision, such construction and installation to be secured in accordance with performance guarantee requirements of the Town of Stow Rules and Regulations Governing the Subdivision of Land to the extent applicable and/or the regulations adopted pursuant to the Active Adult Neighborhood Bylaw for this purpose. Exceptions to the Regulations that may be adopted pursuant to this bylaw may be authorized by the Planning Board in granting a Special Permit hereunder, provided the Board determines such exceptions are in the public interest and are consistent with the purposes of Section 5.4 of the Bylaw.~~
- ~~5.4.7.7 Revisions and Amendments of an AAN Special Permit Any change which, in the sole opinion of the Planning Board, would alter the character of an AAN, including, but not limited to, an increase in number of total DWELLING UNITS within the AAN, an increase in the number of parking spaces, a decrease or cessation of any recreation amenities or similar use, structural change or alteration, shall require an amendment of the Special Permit or the filing of an application for a new Special Permit, as the Planning Board may determine.~~
- ~~5.4.7.8 Streets and Utilities All streets and ways, whether public or private, wastewater disposal systems, drainage facilities, drinking water supplies, and utilities shall be designed and constructed in compliance with the Town of Stow Rules and Regulations Governing the Subdivision of Land, as amended, whether or not the Active Adult Neighborhood is a subdivision.~~

~~5.4.8 Occupancy – Each DWELLING UNIT in an AAN shall be occupied by at least one person age fifty-five (55) or older. Notwithstanding the death of a qualifying owner/occupant or other unforeseen circumstance in which a DWELLING UNIT becomes non-compliant with this Section, at no time shall the development be in violation of U.S. Code Title 42 § 3607, which as of May 1, 2017, requires that at least 80 percent of the occupied units are occupied by at least one person who is 55 years of age or older.~~

~~5.4.8.1 Children under the age of eighteen (18) may not reside in a DWELLING UNIT located in an AAN for more than six (6) months in any nine (9) month period.~~

~~5.4.9 Occupancy Income Range – The AAN shall be designed to provide housing for occupants earning a broad range of incomes, as defined by the Commonwealth of Massachusetts Department of Housing and Community Development (DHCD) for the Town of Stow. The AAN shall comply with the provisions of Section 8.9 Inclusion of Affordable Housing. In addition, at least 5% of the DWELLING UNITS shall be built to sell at a price affordable to middle income households, as defined by Executive Order 418 for the Town of Stow. All low income and moderate income and middle income DWELLING UNITS shall contain deed restrictions and comply with the provisions of MGL Ch. 184, s.31 as to resale price and shall provide for notice of any proposed resale and a right of first refusal to the Town of Stow, prior to any such sale.~~

~~A. Low income or moderate income DWELLING UNITS created under this section shall be restricted as such in perpetuity and comply with the provisions of MGL Ch. 184, s.31. Middle income DWELLING UNITS created under this section shall be restricted as such in perpetuity and comply with the provisions of the Regulations promulgated in accordance with this Section 5.4.~~

~~B. *This subsection deleted at the May 4, 2009 Annual Town Meeting.*~~

~~C. *This subsection deleted at the May 4, 2009 Annual Town Meeting.*~~

~~D. *This subsection deleted at the May 4, 2009 Annual Town Meeting.*~~

~~E. *This subsection deleted at the May 4, 2009 Annual Town Meeting.*~~

~~F. *This subsection deleted at the May 4, 2009 Annual Town Meeting.*~~

~~G. Rights and privileges – QUALIFIED AFFORDABLE HOUSING PURCHASERS and middle income purchasers shall have all rights, privileges and responsibilities given to owners or renters of market rate DWELLING UNITS, including access to all amenities within the development.~~

~~H. A Special Permit issued under this Bylaw shall include the provision that no building permit shall be issued in reliance on said Special Permit, unless and until the Town of Stow has received written correspondence from the Department of Housing and Community Development (DHCD) that the low or moderate income DWELLING UNITS, authorized as a result of the Special Permit, will be included in DHCD's Subsidized Housing Inventory of low income or moderate income housing DWELLING UNITS for the purposes of compliance with the provisions of Massachusetts General Laws Chapter 40B, § 20-23. The correspondence from DHCD must provide documentation that the low or moderate income DWELLING UNITS will be treated as if they were created pursuant to an application for a Comprehensive Permit and qualifying programs thereunder.~~

~~I. Purchaser/tenant selection – Procedures for the selection of purchasers and/or tenants shall be subject to approval by the Town of Stow or its designee.~~

- ~~J. Timing of commitments – All contractual agreements with the Town of Stow and other documents necessary to ensure compliance with this Section shall be executed prior to and as a condition of the issuance of any Special Permit required to commence construction.~~
- ~~K. Timing of construction – As a condition of the issuance of a Special Permit under this Section, the Planning Board may set a time schedule for the construction of both low income or moderate income and market-rate DWELLING UNITS. No Certificate of Occupancy shall be issued for any market-rate DWELLING UNIT in a development, subject to the requirements of this Section, until there have been issued Certificates of Occupancy for low income or moderate income DWELLING UNITS in an amount equal to the percentage of low income or moderate income UNITS, which are to be constructed in the development or provided off-site.~~
- ~~L. The above provisions apply to all on-site, off-site, buildings and existing housing stock made affordable with AAN provided funds.~~

~~5.4.10 Planning Board Action~~

~~5.4.10.1 In evaluating the proposed AAN, the Planning Board shall consider the general objectives of this Bylaw and of AAN in particular: the existing and probable future development of surrounding areas, the appropriateness of the proposed layout, the configuration, and use of the OPEN SPACE in relation to the characteristics of the tract of land in question. The Planning Board may grant a Special Permit for an AAN if it finds that the AAN meets the purposes of this Bylaw as set forth herein:~~

~~N. meets the intended purposes of this Bylaw as set forth herein;~~

~~O. provides a useful addition to the housing inventory of Stow;~~

~~P. protects and enhances the rural character and environment of Stow;~~

~~Q. provides OPEN SPACE which is of a size, shape and location and has adequate access so as to benefit the town and the residents of the AAN;~~

~~R. is appropriate to the natural terrain of the tract of land to be developed;~~

~~S. provides for the convenience and safety of vehicular and pedestrian movement in the development in a manner that is compatible with the narrow, tree-lined country roads of Stow;~~

~~T. the application set forth a specific plan for maintenance of all common facilities including but not limited to waste disposal and drainage facilities, roadways and other improvements to be constructed in an AAN;~~

~~U. will result in the creation of DWELLING UNITS that count toward the Town's "quota" requirements as established by MGL Ch. 40B s. 20-23;~~

~~V. complies with all other legal requirements for a Special Permit and the Zoning Bylaw, including those for an AAN; and~~

~~W. is consistent with the Stow Master Plan or succeeding plan, as amended.~~

~~5.4.10.2 The Planning Board shall consider the recommendations of the Board of Health, the Conservation Commission and the Town's consulting engineer, and other Boards, Departments and experts, in making said findings.~~

~~5.4.10.3 The Planning Board may require changes to the “AAN Site Plan” and impose additional conditions, safeguards and limitations, as it deems necessary, to secure the objectives of this Bylaw.~~

~~5.4.11 The provisions of this Bylaw are severable from each other, and the invalidity of any provisions or section shall not invalidate any other provision or section thereof.~~

~~5.4.12 ACTIVE ADULT NEIGHBORHOOD UNITS constructed under a Special Permit issued in accordance with this section are exempt from Section 8.6, Phasing of Growth.~~

5.4 ACTIVE ADULT NEIGHBORHOOD Overlay District

5.4.1 Purpose - Stow cherishes the wisdom and experience of our citizens, and encourages participation in the town by all residents. This bylaw is intended to provide a diversity of housing specifically designed and targeted to older adult residents who wish to downsize from the traditional single-family home or age in place in a communal setting without requiring an age-restriction. The ACTIVE ADULT NEIGHBORHOOD (AAN) shall be designed to meet the following goals:

- provide for universal accessibility designs to allow adults to age in place;
- promote a sense of community among its residents through the use of traditional neighborhood design principles, pedestrian accessibility and shared communal spaces, such as gardens and commons;
- Incentivize diversity of housing types to encourage opportunities for homeownership at various income levels;
- be in harmony with the natural terrain and consistent with Stow's rural New England character;
- emphasize and require protection of existing resources on the site, including natural resources, agriculture, recreation and trail connectivity;

5.4.2 Applicability - An AAN shall only be permitted by Special Permit, and any amendments thereto from the Planning Board, acting as the Special Permit Granting Authority, in accordance with MGL Ch. 40A, s.9 on land located in the AAN Overlay District.

5.4.3 AAN Overlay District - This district shall be an overlay district and shall include parcels of land depicted on a map dated May 13, 2002 and entitled “Active Adult Neighborhood Overlay District”, or any amendments thereto. This map is hereby adopted coincident with the adoption of this Bylaw. Development in an AAN Overlay District is subject to all provisions of the remainder of the Zoning Bylaw, except to the extent provided in Section 5.4, ACTIVE ADULT NEIGHBORHOOD Overlay District.

5.4.3.1 Any ACTIVE ADULT NEIGHBORHOOD permitted prior to the adoption of this Bylaw amendment (May 22, 2021) shall be considered conforming, providing it conforms to the previous version of Section 5.4 ACTIVE ADULT NEIGHBORHOOD Overlay District in effect prior to the adoption of this amendment.

5.4.3.2 Section 8.9, Inclusion of Affordable Housing, shall govern the inclusion of housing eligible on the Department of Housing and Community Development's Subsidized Housing Inventory in the AAN Overlay District.

5.4.4 Permitted Uses - There shall be permitted in any AAN District:

5.4.4.1 Single-family DWELLINGS;
COTTAGE DWELLINGS;
TOWNHOMES;
MULTI-FAMILY DWELLINGS.

5.4.4.2 MULTI-FAMILY DWELLINGS, including DUPLEXes, provided that they are designed to be consistent in architectural character with the single-family DWELLINGS in the same development unless specifically waived under Section 5.4.4.4 of the Zoning Bylaw.

5.4.4.3 TOWNHOMES, provided that they are designed in accordance with Section 5.4.11.

5.4.4.4 The Planning Board may allow for an increase in the number of DWELLING UNITS allowed in a MULTI-FAMILY DWELLING or TOWNHOME where the required design approaches of Section 5.4.11 can be demonstrated for the specific STRUCTURES subject to the request.

5.4.4.5 Accessory uses and structures incidental to principal uses indicated above, including but not limited to:

- a. Communal spaces for residents, employees, and guests, such as central or common dining facilities, communal kitchen spaces, indoor or outdoor recreation facilities, gardens and/or parks;
- b. Conservation or agricultural uses.

5.4.5 Procedural Requirements

5.4.5.1 Application for an AAN Special Permit - An application for an AAN Special Permit shall be submitted in writing and meeting the requirements set forth herein and all other information that may be required by the Planning Board under its Rules and Regulations for Special Permits and Active Adult Neighborhoods.

5.4.5.2 Any new AAN and any proposed modification of an AAN shall be allowed only by Special Permit from the Planning Board in accordance with MGL Ch. 40A, s.9, subject to the requirements, conditions and limitations contained herein and in the Rules and Regulations adopted by the Planning Board.

5.4.5.3 AAN Regulations - The Planning Board shall adopt and maintain a set of AAN Rules and Regulations that contain the necessary policies, procedures, and requirements to implement the provisions of this Section.

5.4.5.4 In order to streamline the permitting process, if the proposed AAN involves any other use that requires a Special Permit or Site Plan Approval by the Planning Board, the proceedings for all such Special Permits and the Site Plan Review shall occur in one consolidated proceeding. If the proposed AAN requires a permit from two different permit granting authorities, the Planning Board or other Permit Granting Authority may request that a joint public hearing be held and shall conduct reviews simultaneously, to the extent possible.

5.4.5.5 An Application shall be submitted to the Planning Board in accordance with the Rules and Regulations for AAN Special Permits and Rules and Regulations Governing the Subdivision of Land as applicable.

To enable the Planning Board to determine whether or not a proposed AAN satisfies the purposes and standards of the OPEN LAND Requirements of Section 5.4.13, an applicant shall present sufficient information on the environmental and OPEN LAND resources for the Board to make such a determination. The required information shall be provided in the form of the ACTIVE ADULT NEIGHBORHOOD DESIGN PROCESS described in Section 5.4.12 of this Bylaw.

5.4.6 Dimensional Requirements

5.4.6.1 There shall be no minimum LOT area, FRONTAGE, FLOOR AREA RATIO, LOT width or YARD requirements within an AAN or for any LOT or BUILDING within an AAN except as provided in this Section and as stated in Section 5.4.10, COTTAGE DWELLING Site Standards. However, an AAN shall comply with the applicable requirements of the Water Resource Protection and Flood Plain Overlay Districts. The Planning Board may impose appropriate additional conditions on the location, layout and size of BUILDINGS, STRUCTURES and OPEN SPACE.

An AAN shall be built according to the following dimensional standards:

<u>Minimum TRACT OF LAND area</u>	<u>25 acres</u>
<u>Minimum frontage of TRACT OF LAND</u>	<u>No Minimum Required</u>
<u>Minimum TRACT OF LAND width</u>	<u>No Minimum Required</u>
<u>Minimum SIDE and REAR YARDS of TRACT OF LAND</u>	<u>No Minimum Required</u>
<u>Minimum setback of BUILDINGS, pavement areas other than ACCESS DRIVEWAYS and walkways from all boundaries of the TRACT OF LAND</u>	<u>50 feet*</u>
<u>Minimum separation between BUILDINGS and/or STRUCTURES</u>	<u>20 feet*</u>
<u>Maximum height of Principal and Accessory STRUCTURES</u>	<u>35 feet</u>
<u>Minimum OPEN SPACE</u>	<u>50% (OPEN SPACE shall not contain more than 50% wetlands, as defined in MGL Ch. 131, S.40 and the Stow Wetlands Protection Bylaw.)</u>
<u>Maximum density</u>	<u>3 DWELLING UNITS per acre of DEVELOPABLE SITE AREA</u>
<u>Maximum DWELLING UNITS per BUILDING</u>	<u>4**</u>
<u>* Nothing in this Section shall preclude the Planning Board from reducing or waiving minimum setback requirements between buildings or internal lots created within the ACTIVE ADULT NEIGHBORHOOD Overlay District or between the boundaries of the TRACT OF LAND.</u>	
<u>** See Section 5.4.4.4 for exceptions</u>	

5.4.7 Occupancy Income Range

5.4.7.1 The AAN shall be designed to provide housing for occupants earning a broad range of incomes, as defined by DHCD for the Town of Stow. The AAN shall comply with

the provisions of Section 8.9 Inclusion of Affordable Housing, which requires 15% of the units to sell at a price affordable to low income QUALIFIED AFFORDABLE HOUSING PURCHASERS.

- a. Low and moderate income DWELLING UNITS created under this Section shall be restricted as such in perpetuity and comply with the provisions of MGL Ch. 184, s.31.
- b. All low and moderate income DWELLING UNITS shall provide for notice of any proposed resale and a right of first refusal to the Town of Stow, prior to any such sale.
- c. Rights and privileges - QUALIFIED AFFORDABLE HOUSING PURCHASERS shall have all rights, privileges and responsibilities given to owners or renters of market rate DWELLING UNITS, including access to all amenities within the development.
- d. A Special Permit issued under this Bylaw shall include a provision stating a limit on the number of Building Permits that may be issued until such time as the Town of Stow has received written correspondence from the Department of Housing and Community Development (DHCD) that the low or moderate income DWELLING UNITS, authorized as a result of the Special Permit, will be included in DHCD's Subsidized Housing Inventory of low income or moderate income housing DWELLING UNITS for the purposes of compliance with the provisions of Massachusetts General Laws Chapter 40B, § 20-23. In the event the Special Permit issued under this Bylaw does not include such provision, the written correspondence from DHCD describe herein shall be required prior to the issuance of the first Building Permit. The correspondence from DHCD must provide documentation that the low or moderate income DWELLING UNITS will be treated as if they were created pursuant to an application for a Comprehensive Permit and qualifying programs thereunder.
- e. Purchaser/tenant selection - Procedures for the selection of purchasers and/or tenants shall be subject to approval by the Town of Stow or its designee.
- f. Timing of commitments - All contractual agreements with the Town of Stow and other documents necessary to ensure compliance with this Section shall be executed prior to and as a condition of the issuance of any Special Permit required to commence construction.
- g. Timing of construction - As a condition of the issuance of a Special Permit under this Section, the Planning Board may set a time schedule for the construction of both low income or moderate income and market-rate DWELLING UNITS. No Certificate of Occupancy shall be issued for any market-rate DWELLING UNIT in a development, subject to the requirements of this Section, until there have been issued Certificates of Occupancy for low income or moderate income DWELLING UNITS in an amount equal to the percentage of low income or moderate income UNITS, which are to be constructed in the development.
- h. The above provisions apply to all on-site, buildings and existing housing stock made affordable with AAN provided funds.

5.4.8 Age-Targeted Design Standards

- 5.4.8.1** The design of the AAN Overlay District shall encourage housing options in a walkable, Americans with Disabilities Act (ADA) compliant environment that encourages and

supports aging in place in a communal setting. At a minimum, all DWELLING UNITS shall incorporate the following designs:

- a. At least one zero-step entrance.
- b. Doorways with a 36-inch clear passage space.
- c. Master bedroom, en-suite bathroom, kitchen, living room and dining room on the same floor as the zero-step entrance.
- d. Master bedroom and en-suite bathroom designed in a manner that allows for future mobility impairment modifications, and
- e. Options for shared, indoor or structured parking.

5.4.8.2 The Planning Board may waive the requirement for a zero step entrance in Section 5.4.8.1(a) where the physical site constraints are shown to make it impracticable to provide for a zero-step entrance and where the Applicant can demonstrate that a diversity of unit types throughout the development include a zero step entrance where feasible.

5.4.8.3 Shared Community Space – An AAN shall provide shared indoor and outdoor facilities, open to all residents of the AAN, for the purpose of incentivizing community interaction and social engagement.

- a. Outdoor community spaces may include but not be limited to shared community facilities such as walkways, paths and multi-use trails, community gardens, courtyards, and recreation areas, all of which shall be designed for universal access and comply with the MA Architectural Access Board, with the exception of primitive walking/nature trails.
- b. Indoor community facilities may include, but not be limited to clubhouses, community kitchens, pools and event spaces. All STRUCTURES, other than DWELLINGS, shall be designed for community use.

5.4.8.4 Indoor community facilities, such as clubhouses, community kitchens and other STRUCTURES designed for community use shall comply with the MA Architectural Access Board's standards for ADA compliance.

5.4.9 Special Housing Standards

5.4.9.1 In no case shall the total number of DWELLING UNITS in the AAN Overlay District exceed thirteen percent (13%) of the total number of single-family DWELLING UNITS in the Town of Stow at the time of the adoption of this Bylaw on May 22, 2021, defined as the sum of all single-family DWELLING UNITS with the State Use Code 101 as assigned by the Massachusetts Department of Revenue and documented by the Stow Assessors Department.

5.4.9.2 The DWELLING UNITS proposed in an AAN shall be governed by a single HOMEOWNERS ASSOCIATION.

5.4.9.3 To the extent practicable, all DWELLING UNITS in an AAN, including those restricted to meet DHCD affordability standards shall be evenly distributed in terms of size and type, for the purpose of providing a diversity of unit size and affordability. The Planning Board will accept deviations from this expectation where certain DWELLING types are grouped together to form a cohesive pocket neighborhood, including but not limited to the inclusion of COTTAGE DWELLINGS.

5.4.9.4 At least 30% of total number of units in an AAN shall have a gross floor area below 1,800' square feet. At least 50% of those units below 1,800' square feet shall be comprised of detached housing types.

5.4.9.5 No DWELLING UNIT in an AAN shall contain more than two bedrooms.

5.4.10 COTTAGE DWELLING Site Standards

5.4.10.1 COTTAGE DWELLINGS are intended to be a community of modestly sized DWELLING UNITS arranged around a shared COTTAGE DWELLING COMMON AREA. In addition to the standards described in Section 5.4.10 of the Zoning Bylaw, COTTAGE DWELLINGS shall be further designed in conformance with the ACTIVE ADULT NEIGHBORHOOD Rules and Regulations.

- a. COTTAGE DWELLING neighborhoods shall consist of a minimum of four (4) dwelling units and a maximum of Eighteen (18) dwelling units.
- b. COTTAGE DWELLINGS shall be oriented toward the COTTAGE DWELLING COMMON AREA. In the event that physical site restraints preclude the ability for all units to be oriented toward the COTTAGE DWELLING COMMON AREA, the Planning Board may use appropriate discretion in determining the orientation.

5.4.10.2 COTTAGE DWELLING Building Standards - A COTTAGE DWELLING neighborhood is expected to reflect a coherent design concept and include architectural elements that ensure compatibility with the neighborhood cluster in a manner that is consistent with the overall community character of the AAN. Specific BUILDING standards for COTTAGE DWELLINGS shall conform to the ACTIVE ADULT NEIGHBORHOOD Rules and Regulations.

5.4.10.3 COTTAGE DWELLING COMMON AREA Standards – COTTAGE DWELLING COMMON AREAS shall be designed as contiguous natural or landscaped spaces that provide pedestrian access to each abutting COTTAGE DWELLING unit. Vehicles shall not be accommodated within the COTTAGE DWELLING COMMON AREA.

- a. COTTAGE DWELLING COMMON AREAS may be divided into two separate common areas connected by a pedestrian network. Narrow strips of common are discouraged, unless utilized for pathways or walkways;
- b. COTTAGE DWELLING COMMON AREA shall be improved for passive or active recreational use. Examples may include but are not limited to courtyards, orchards, landscaped picnic areas or gardens. Common areas may include amenities such as but not limited to seating, landscaping, trails, gazebos, barbecue facilities, covered shelters or water features.
- c. Stormwater management areas shall not be counted toward the COTTAGE DWELLING COMMON AREA requirement.

5.4.10.4 Access and Parking for COTTAGE DWELLINGS

COTTAGE DWELLINGS shall be accessed by a STREET or COTTAGE DWELLING ALLEY meeting the standards of the Rules and Regulations Governing the Subdivision of Land. Vehicular access to COTTAGE DWELLINGS shall be provided via INTERIOR DRIVEWAYS at the rear of the STRUCTURE, on-street parking accommodations or

shared parking arrangements designed in conformance with ACTIVE ADULT NEIGHBORHOOD Rules and Regulations.

5.4.10.5 COTTAGE DWELLING units shall not include attached garages.

5.4.10.6 Access STREETS, including COTTAGE DWELLING ALLEYS, shall meet the requirements of the National Fire Protection Association standards as amended.

5.4.11 Architecture and Site Design for ACTIVE ADULT NEIGHBORHOODs

5.4.11.1 Mandatory Design Findings – In addition to the Mandatory Findings for Special Permits in Section 9.2.6 of the Zoning Bylaw, the Planning Board shall not issue a Special Permit for an AAN unless, without exception, it shall find that the proposed use and development meets the following site design and architectural goals:

- a. Architecture– BUILDINGs are generally reflective of traditional New England vernacular architecture that exemplifies Stow’s regional architectural style, including predominately gable-type roofs.
- b. Proportion – BUILDINGs, including detached and attached DWELLINGs present a balance in height and width that is common or typical to traditional New England architectural styles.
- c. Scale and Height – Building heights as measured along the street frontage or pedestrian courtyard vary, rather than appear uniform from the primary vantage point. The BUILDINGs are articulated to achieve a human scale and interest, including the use of different textures, shadow lines, detailing and contrasting shapes.
- d. Massing - BUILDINGs incorporate facades and roof lines that are designed to reduce the massing and bulk so that it appears as a group of smaller masses with a distinct vertical orientation MULTI-FAMILY DWELLINGs and TOWNHOMEs include facades and architectural characteristics that are designed to define and accentuate the appearance of each individual unit through the use of varied textures, materials and setbacks from the BUILDING’s primary vantage point.
- e. Orientation – The relationship between BUILDINGs, STREETs, and pedestrian and community amenities shall be designed to encourage community interaction and accessibility for people of all ages and abilities. The development includes BUILDINGs that are oriented to pedestrian infrastructure and to other BUILDINGs where feasible through the creation of courtyards, plazas and other non-vehicular modes of access. Garages are placed along the sides or rear of BUILDINGs to the extent practicable, accessed via alleys and shared driveways.

- f. Street Network – DWELLINGS are serviced by a mix of primary and secondary STREETS, utilizing eyebrows, cul-de-sacs, and alleys, among other techniques to provide access to neighborhoods of various housing types.
- g. Connectivity – DWELLINGS and neighborhood clusters provide for relatively balanced access to pedestrian amenities, including shared access points to preserved OPEN LAND, multi-use trails, walking paths, sidewalks and shared community amenities.

The development is connected to the existing Stow STREET network through sidewalks and or accessible walking paths. Public gathering spaces, such as pick-up and drop off areas, that may or may not include bus shelters are provided at key intersections to accommodate transit opportunities. STREETS connect to other STREETS in the development and to the existing STREET network in a manner that provides for multiple routes of travel.
- h. Landscaping – The site plan uses landscaping to soften the visual impact of BUILDINGS, create shade along roadways, parks and pedestrian courtyards and provide visual separation between pedestrian and vehicular spaces. Landscaping is utilized to create attractive, functional and decentralized stormwater management techniques that complement the existing topography and neighborhood design, including but not limited to rain gardens, detention ponds and other low impact development techniques.

5.4.11.2 Access to Development - In the event that the land that comprises an AAN is located in different zoning districts, it shall be a permitted USE in each such zoning district not in the ACTIVE ADULT NEIGHBORHOOD Overlay District for roadways and driveways to provide access to land and BUILDINGS in the District.

5.4.11.3 Streets and Utilities - All streets and ways, whether public or private, wastewater disposal systems, drainage facilities, drinking water supplies, and utilities shall be designed and constructed in compliance with the Town of Stow Rules and Regulations Governing the Subdivision of Land, as amended.

- a. Access Roads, driveways, common driveways, alleys and subdivision roads, either intended for public or private use shall conform to the National Fire Protection Association standards as amended, inclusive of all Massachusetts amendments. In the event that the Fire Chief, acting as the *Authority Having Jurisdiction*, encounters a conflict between the NFPA standards and the Subdivision Rules and Regulations, the NFPA standards shall control.
- b. All wastewater and public and/or private water supply wells shall conform to the requirements of the Stow Board of Health and/or the Massachusetts Department of Environmental Protection regulations as applicable.

5.4.11.4 Sidewalks, Walking Paths and Trails – Sidewalks shall be required for all developments in the AAN District in accordance with the following schedule of street types as described in the Planning Board's Rules and Regulations Governing the Subdivision of Land:

- a. Access Street and Sub-Collector Streets shall have a sidewalk required on one side of the travelled street.
- b. Single Access Streets shall have a sidewalk required on one side of the street and around the entire length of the turnaround.
- c. Entrances to garages that front a STREET with a sidewalk shall contain adequate setbacks from the STREET to ensure that vehicles parked in the driveway do not protrude into the sidewalk.

5.4.11.5 The Planning Board may waive the requirement for a sidewalk where the homes that would otherwise be served by the sidewalk have adequate access to an alternative pedestrian provision, such as a multi-use path or an improved trail containing a surface treatment that eliminates trip hazards, can be maintained year round, and with a grade which meets the MA Architectural Access Board standards for trails and similar pedestrian improvements.

5.4.11.6 Internal primitive walking trails and nature paths are encouraged as a means to provide additional connections between areas of OPEN LAND and neighborhood clusters. However, such trails shall not be considered by the Planning Board to be an adequate provision for waiving the requirements for sidewalks in Section 5.4.11.4.

- a. Improved trails, multi-use paths, and primitive nature trails shall include adequate signage as viewed from a sidewalk or street to direct pedestrians toward the trail entrance.

5.4.12 ACTIVE ADULT NEIGHBORHOOD OPEN LAND DESIGN PROCESS

5.4.12.1 The application for an AAN shall demonstrate to the Planning Board that the following design process was performed, in the order prescribed below. The design process shall be undertaken by an interdisciplinary team of qualified professionals, including but not limited to landscape architects, engineers or environmental professionals, and in conformance with the Rules and Regulations for AAN Special Permits, to determine the layout of proposed streets, parcel boundaries, building envelopes, easements and locations of all common areas and open land.

- a. Calculate the gross area of the proposed AAN locus, which shall include all parcels of land that are to be developed, preserved or otherwise altered in accordance with this Bylaw.
- b. Calculate the size of the OPEN LAND to be preserved by multiplying the AAN locus by 50%.
- c. Identification of Conservation Resources – The Applicant shall identify and show the location of PRIMARY CONSERVATION RESOURCES and SECONDARY CONSERVATION RESOURCES. The potentially developable area of the site will consist of land outside identified PRIMARY CONSERVATION RESOURCES to the extent described herein and outside the SECONDARY CONSERVATION RESOURCES to the fullest extent practicable. It is strongly recommended that the Applicant meet with Planning Board and Conservation Commission staff during the process of identifying conservation resources.

- d. Locating Dwelling Sites – Locate the approximate sites of individual DWELLINGS within the potentially developable area, including the delineation of private yards and shared amenities.
- e. Locating Streets and Trails – Layout streets in order to access the individual dwellings. Any trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks and/or trails.
- f. Lot Lines – Draw proposed lot lines or areas of exclusive use if proposed for condominium or other common ownership.

5.4.13 OPEN LAND Requirements

5.4.13.1 The OPEN LAND within an AAN shall be perpetually kept in an open state, preserved exclusively for the purposes set forth in Section 5.4.13.8 (Allowable use of OPEN LAND) of this Bylaw, and maintained in a manner that will ensure its suitability for its intended purposes.

5.4.13.2 Minimum - A minimum of 50% of the gross area of the proposed AAN locus, which shall include all parcels of land that are to be developed, preserved or otherwise altered in accordance with Section 5.4 of this Bylaw shall be set aside as permanently conserved OPEN LAND.

- a. The minimum required area of the OPEN LAND shall not contain more than 50% wetlands, as defined in G.L. c.13, s.40 and the Stow Wetland Protection Bylaw;

5.4.13.3 POCKET OPEN LAND – For the purpose of reducing the amount of clearing in the AAN locus and preserving the wooded, rural feel of the land, the Planning Board may permit up to 5% of the required OPEN LAND set aside to consist of POCKET OPEN LAND.

In the event that a HOMEOWNERS ASSOCIATION is selected to own and manage the required OPEN LAND in accordance with Section 5.4.13.5 of this Bylaw, then all POCKET OPEN LAND shall be included in the required conservation restriction in accordance with Section 5.4.13.6 of this Bylaw.

5.4.13.4 OPEN LAND Design Requirements – The location of OPEN LAND provided through this bylaw shall be consistent with the ACTIVE ADULT NEIGHBORHOOD OPEN LAND DESIGN PROCESS, as well as policies contained in the Town of Stow Master Plan and Open Space and Recreation Plan. The following design requirements shall apply to the OPEN LAND:

- 1. Open Land shall be planned as large, contiguous areas. Long, thin strips or narrow areas of OPEN LAND shall occur only when necessary to provide for:
 - a. Enhanced access to the OPEN LAND;
 - b. Vegetated buffers along wetlands;
 - c. Buffers to areas of existing or potential agricultural use;
 - d. Buffers to any other existing use abutting the AAN Locus if it can be shown, to the satisfaction of the Planning Board that such areas are

- particularly sensitive to the AAN development due to specific site characteristics;
- e. connections between open space areas.
2. OPEN LAND may be in more than one parcel provided that the size, shape and location of such parcels are suitable for the designated uses. Where feasible, these parcels shall be linked by trails.
 3. Where the proposed development abuts or includes a body of water or a wetland, these areas and the 100 foot buffer to such areas should be incorporated into the OPEN LAND where feasible.
 4. OPEN LAND shall be designed to encourage access from existing or proposed roads and abutting open space lands by providing for adequate upland access at least forty (40) feet wide and suitable for a footpath.
 5. OPEN LAND shall primarily consist of open fields and undisturbed woodlands and other natural areas, or restored areas. Lawn and landscaped areas shall not be counted toward OPEN LAND requirements.
 6. Prior to conveyance, the Planning Board may require OPEN LAND that has been degraded by extraction, site grading or similar activities to be restored, where such restoration would benefit PRIMARY CONSERVATION RESOURCES and SECONDARY CONSERVATION RESOURCES.
 7. Where a proposed development abuts existing land held for conservation purposes, the development shall be designed to maximize contiguous protected land, and minimize adverse impacts to the existing conserved land. Trail connections shall be provided where appropriate. The Planning Board shall give consideration to the recommendations of the existing conservation land owner with regard to access, parking and connecting trails.

5.4.13.5 Ownership of the OPEN LAND - At the applicant's discretion and subject to Planning Board Approval, the OPEN LAND may be owned by one or more of the following:

- a. The Town of Stow and accepted by it for park or open space use consistent with G.L. c.40A, s.9;
- b. A non-profit organization, or agency of the Commonwealth, with their consent, whose principal purpose is the conservation of OPEN LAND for any of the purposes set forth herein;
- c. A HOMEOWNERS ASSOCIATION as defined herein owned jointly in common by the owners of LOTS or units within the project.

5.4.13.6 Selection of ownership option "c" above requires:

- a. A conservation and/or historic restriction to a third party conservation organization or agency pursuant to G.L. c.184, s.31-33 as outlined herein;
- b. The granting of an access easement to the Town over such land sufficient to ensure its perpetual maintenance as agricultural, conservation, or recreation land.

- c. Such easement shall provide that in the event the trust or other owner fails to maintain the OPEN LAND in reasonable condition, the Town may, after notice to the lot owners and after a public hearing is held, enter upon such land to maintain it in order to prevent or abate a nuisance. The cost of such maintenance by the Town shall be assessed against the property owners within the development and/or to the owner of the OPEN LAND. Pursuant to G.L. c.40, s.58 the Town may file a lien against the lot or lots to ensure payment for such maintenance. Pursuant to G.L. c.40, s.57 the Town may also deny any application for, or revoke or suspend a building permit or any local license or permit, due to neglect or refusal by any property owner to pay any maintenance assessments levied.

5.4.13.7 Timing – The Planning Board shall specify in its final Decision at what phase in the development any deed, restriction or other legal document necessary to permanently conserve OPEN LAND as required herein shall be recorded with the Registry of Deeds.

5.4.13.8 Allowable Use of the OPEN LAND - Such land shall be perpetually kept in an open state, preserved exclusively for the purposes set forth in this Bylaw and in the deed and/or in the restriction, and maintained in a manner which will ensure its suitability for its intended purposes.

- a. The OPEN LAND shall only be used for the following purposes: wildlife habitat, conservation, historic preservation, outdoor education, passive and active recreation, aquifer protection and public water supply, agriculture, horticulture, forestry, and shall be served by suitable access for such purposes. Potential, current or acceptable uses of the open land identified during the Design Process shall be noted on the AAN plan with reference in the deeds of the lots created or altered through the AAN plan approval process. Permissible uses of the OPEN LAND shall not be inconsistent with protection of the resources in the OPEN LAND.
- b. The Planning Board shall permit a small portion of the OPEN LAND, not to exceed 5%, to be paved or built upon for STRUCTURES accessory to the dedicated use or use(s) of such OPEN LAND (i.e. barns, or other farm structures, parking to facilitate public access for passive recreation, informational kiosks, pedestrian walks and bike paths) so long as the conservation values of the OPEN LAND are not compromised beyond what is reasonably necessary to facilitate the allowed uses.
- c. Preferably any such area to be paved or built upon shall utilize permeable pavement and/or other means of retaining natural hydrology. Treated stormwater may be discharged into the protected OPEN LAND or land subject to a restrictive covenant.
- d. The following infrastructure may be located on the OPEN LAND as permitted or regulated by Title 5 or local Board of Health regulations, if serving the AAN, and if such use, in the opinion of the Planning Board, enhances the specific purpose of the AAN to promote better overall site planning.
 - 1. rain gardens;
 - 2. constructed wetlands;
 - 3. any other decentralized stormwater management systems consistent with the Massachusetts Stormwater Handbook, as amended, that serve the AAN.

e. The following infrastructure may be counted toward the OPEN LAND requirement as permitted or regulated by DEP, Title 5 or local Board of Health regulations, provided that such infrastructure is located on a parcel owned by the HOMEOWNERS ASSOCIATION serving the AAN, and if such use, in the opinion of the Planning Board, enhances the specific purpose of the AAN to promote better overall site planning:

1. common subsurface leaching fields and other underground components of wastewater systems, provided the Planning Board finds such infrastructure is designed and located to enhance the shared outdoor community spaces required in Section 5.4.8.3.
2. public water supply wells;

5.4.13.9 Easements for infrastructure outlined in Section 5.4.13.8(d) of the Zoning Bylaw shall be no larger than reasonably necessary. To the extent feasible, infrastructure referenced in Section 5.4.13.8 of the Zoning Bylaw shall be located to minimize any effect on the PRIMARY and SECONDARY CONSERVATION RESOURCES of the site.

5.4.13.10 The OPEN LAND may be used as the land subject to a restriction for the purpose of an aggregate calculation under Title 5 of the Sanitary Code.

5.4.13.11 Monumentation - Monumentation shall clearly delineate the interior and exterior boundaries of the protected OPEN LAND in manner that facilitates monitoring and enforcement.

5.4.13.12 Subdivision - Neither further division of the protected OPEN LAND into LOTs nor the use of the protected OPEN LAND toward any further building requirements on this or any other LOT is permitted;

5.4.13.13 Maintenance - The Planning Board shall require, in accordance with the ACTIVE ADULT NEIGHBORHOOD Rules and Regulations, the submission of an operations and maintenance plan for the OPEN LAND in the event the OPEN LAND is owned by a HOMEOWNERS ASSOCIATION, and may require an operations and maintenance for the OPEN LAND in the event the OPEN LAND is owned by the Town of Stow, a non-profit organization or agency of the Commonwealth. Such operations and maintenance plan is intended to ensure that stormwater facilities and utilities are properly maintained and the OPEN LAND is not used for storage or dumping of refuse, junk, or other offensive or hazardous materials inconsistent with intended uses of the OPEN LAND as stated in Section 5.4.13.8 (Allowable Use of the OPEN LAND) of this Bylaw and/or as stated in the language of an applicable conservation or agricultural deed restriction.

5.4.13.14 Conveyance - At the time of its conveyance the Open Land shall be free of all encumbrances, mortgages, liens or other claims, except as to easements, restrictions and encumbrances required or permitted by this Bylaw.

5.4.14 The Planning Board, in granting a Special Permit for an AAN, may impose reasonable conditions to protect the environment, and the health, safety and welfare of the

neighborhood, of residents in the proposed development, and of the general public. Such conditions may include, but shall not necessarily be limited to, requirements for the tertiary treatment of wastewater effluent, the location of wastewater effluent disposal, and necessary limitations on the total number of DWELLING UNITS to prevent negative impacts on the groundwater and other existing or potential water resources.

5.4.15 Performance Guarantee - Before the issuance of any building permits for the AAN, the petitioner shall agree to complete the required improvements specified in the decision, such construction and installation to be secured in accordance with performance guarantee requirements of the Town of Stow Rules and Regulations Governing the Subdivision of Land to the extent applicable and/or the regulations adopted pursuant to the ACTIVE ADULT NEIGHBORHOOD Overlay District Bylaw for this purpose. Exceptions to the Regulations that may be adopted pursuant to this bylaw may be authorized by the Planning Board in granting a Special Permit hereunder, provided the Board determines such exceptions are in the public interest and are consistent with the purposes of Section 5.4 of the Bylaw.

5.4.16 Revisions and Amendments of an AAN Special Permit - Any change which, in the sole opinion of the Planning Board, would alter the character of an AAN, including, but not limited to, an increase in number of total DWELLING UNITS within the AAN, an increase in the number of parking spaces, a decrease or cessation of any recreation amenities or similar use, structural change or alteration, shall require an amendment of the Special Permit or the filing of an application for a new Special Permit, as the Planning Board may determine.

5.4.17 Planning Board Action - In evaluating the proposed AAN, the Planning Board shall consider the general objectives of this Bylaw and of AAN's in particular: the existing and probable future development of surrounding areas, the appropriateness of the proposed layout, the configuration, and use of the OPEN LAND in relation to the characteristics of the tract of land in question. The Planning Board may grant a Special Permit for an AAN if it finds that the AAN meets the purposes of this Bylaw as set forth herein:

- A. Meets the intended purposes of this Bylaw as set forth herein;
- B. Diversifies the housing inventory of Stow;
- C. Meets the Site and Architectural standards outlined in Section 5.4.11 of this Bylaw;
- D. Provides various opportunities for communal interaction and connection among residents;
- E. Protects and enhances the rural character and environment of Stow;
- F. Provides OPEN LAND which is of a size, shape and location and has adequate access so as to benefit the town and the residents of the AAN;
- G. Is appropriate to the natural terrain of the tract of land to be developed;
- H. Provides for the convenience and safety of vehicular and pedestrian movement in the development in a manner that is compatible with the narrow, tree-lined country roads of Stow;
- I. The application set forth a specific plan for maintenance of all common facilities including but not limited to waste disposal and drainage facilities, roadways and other improvements to be constructed in an AAN;

- J. will result in the creation of DWELLING UNITS that count toward the Town's Subsidized Housing Inventory requirements as established by MGL Ch. 40B s. 20-23;
- K. Includes some combination of energy efficiency methods and/or upgrades consistent with the emissions reductions goals expressed in MA Bill S.9 "An Act Creating a Next-Generation Roadmap for Massachusetts Climate Policy," for example, incorporation of bike and pedestrian infrastructure, site planning that enhances passive solar gains, enhanced insulation of BUILDINGS, vehicle charging stations and station compatibility and/or electric heat and hot water systems.
- L. Complies with all other legal requirements for a Special Permit and the Zoning Bylaw, including those for an AAN; and
- M. Is consistent with the Stow Master Plan or succeeding plan, as amended.

5.4.18 The Planning Board shall consider the recommendations of the Board of Health, the Conservation Commission and the Town's consulting engineer, and other Boards, Departments and experts, in making said findings.

5.4.19 The Planning Board may require changes to the "AAN Site Plan" and impose additional conditions, safeguards and limitations, as it deems necessary, to secure the objectives of this Bylaw.

5.4.20 The provisions of this Bylaw are severable from each other, and the invalidity of any provisions or Section shall not invalidate any other provision or Section thereof.

5.4.21 ACTIVE ADULT NEIGHBORHOODS constructed under a Special Permit issued in accordance with this Section are exempt from Section 8.6, Phasing of Growth.

<p>D) Amend Section 8.9 (Inclusionary Housing) by amending Section(s) 8.9.1, 8.9.2.1, 8.9.5.1, 8.9.5.2 and 8.9.6.2 to read in their entirety as stated below:</p>
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8.9.1 Purpose and Intent - The purpose of this Bylaw is to increase the supply of housing in the Town of Stow that is available to and affordable by low income or moderate income households who might otherwise have difficulty in finding homes in Stow, and to ensure that such housing is affordable over the long-term and provided in accordance with the requirements of Massachusetts General Law Chapter 40B and its implementing regulations, Stow Comprehensive Permit Policy, the Stow Master Plan, and other ongoing programs within the Town of Stow. It is intended that the AFFORDABLE DWELLING UNITS authorized under the provisions of this Bylaw be considered as Local Initiative Program (LIP) dwelling units in compliance with the requirements for the same as specified by the Department of Community Affairs, Massachusetts Department of Housing and Community Development (DHCD), or successor, or additional programs adopted by the Commonwealth or its agencies, and that said units count toward Stow's requirements under Massachusetts General Law Chapter 40B, Sections 20-23, as amended. Through multi-family units, developers will be able to increase the number of DWELLING UNITS within a development versus conventional developments. The increased number of DWELLING UNITS is intended to offset the reduced revenue from the affordable homes.

In those cases where the Inclusion of Affordable Housing may conflict or be inconsistent with Section 8.5, Planned Conservation Development (PCD), Section 5.4 ACTIVE ADULT NEIGHBORHOOD, or other sections of the Town of Stow Zoning Bylaw, except as otherwise expressly provided herein, the provisions of Inclusion of Affordable Housing shall be controlling.

8.9.2.1 Beginning with the effective date of this Bylaw, any development or division of land, which could result in the creation of six (6) or more DWELLING UNITS, shall require a Special Permit from the Planning Board, and shall include as a condition of said permit that:

- A. At least 10% of the units be priced for QUALIFIED AFFORDABLE HOUSING PURCHASERS;
- B. At least 15% of the units be priced for QUALIFIED AFFORDABLE HOUSING PURCHASERS within the ACTIVE ADULT NEIGHBORHOOD Overlay District.
- C. The mix of AFFORDABLE DWELLING UNITS and market rate housing built in any one year be equivalent to the overall mix for the entire development;
- D. Deed restrictions, acceptable to the Town, and established in accordance with the standards of DHCD or successor or additional programs adopted by the Commonwealth or its agencies, shall be placed on the appropriate property to ensure that AFFORDABLE DWELLING UNITS created under this section shall remain AFFORDABLE DWELLING UNITS in perpetuity or for as long a period as is allowed by law.

8.9.5.1 Allowed types of AFFORDABLE DWELLING UNITS:

- A. Single-family DWELLINGS;
- B. Single-family DWELLINGS with ACCESSORY APARTMENTS;
- C. MULTI-FAMILY DWELLINGS, which are designed to be consistent in architectural character with the single-family DWELLINGS in the same development. Such MULTI-FAMILY DWELLINGS may be allowed provided:
 - i. in terms of exterior appearance, the BUILDING is compatible in design and, to the extent practicable, indistinguishable from the single-family DWELLINGS in the same development; and
 - ii. there shall be no more than four (4) DWELLING UNITS in any residential BUILDING, except as modified in accordance with Section 5.4.4.4; and
 - iii. the total number of MULTI-FAMILY DWELLINGS shall not exceed 10% of the lots in the development; and
 - iv. the overall length of any residential BUILDING shall not exceed 100 feet.
- D. Accessory uses and structures incidental to principal uses indicated above and approved by the Planning Board.

8.9.5.1.1 Allowed types of AFFORDABLE DWELLING UNITS in the ACTIVE ADULT NEIGHBORHOOD Overlay District :

- A. Single-family DWELLINGS;
- B. COTTAGE DWELLINGS;
- C. TOWNHOMES
- D. MULTI-FAMILY DWELLINGS, which are designed to define and accentuate the appearance of each individual unit through the use of varied textures, materials and setbacks from the BUILDING's primary vantage point

8.9.5.2 Siting of AFFORDABLE DWELLING UNITS. All AFFORDABLE DWELLING UNITS that are constructed on-site under this Bylaw shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units. The Site Plan shall identify those lots selected for AFFORDABLE DWELLING UNITS.

8.9.5.2.1 AFFORDABLE DWELLING UNITS provided in connection with an ACTIVE ADULT NEIGHBORHOOD shall be constructed on the locus of the ACTIVE ADULT NEIGHBORHOOD, in conformance with Section 5.4.9.3 and shall not be subject to the provisions 8.9.4(B) allowing for construction on a non-contiguous locus.

8.9.6.2 The Planning Board may not accept a fee-in-lieu of affordable unit construction within the ACTIVE ADULT NEIGHBORHOOD Overlay District. Within the AAN, the required number of units shall be constructed in accordance with Section 8.9.4 of the Zoning Bylaw.