

**STOW PLANNING BOARD**

**RULES AND REGULATIONS**

**for**

**ACTIVE ADULT NEIGHBORHOOD**

**SPECIAL PERMITS**



**EFFECTIVE DATE: June 25, 2002**

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## SECTION 1

### GENERAL PROVISIONS

#### 1.1 Authority

These Rules and Regulations are adopted by the Stow Planning Board as authorized by MGL Chapter 40A and the Stow Zoning Bylaw.

#### 1.2 Purpose

The purpose of these RULES and Regulations is to establish uniform procedures for conducting the business of the Planning Board under its jurisdiction as a Special Permit Granting Authority for Active Adult Neighborhood Special Permits.

#### 1.3 Applicability

Any person applying for a Special Permit for Active Adult Neighborhood (AAN) under the Bylaw, whether or not governed by any other federal, state, or local regulations, laws, permits, variances, approvals, or programs, shall comply with the provisions of these Rules.

#### 1.4 Definitions

Defined terms are capitalized in these RULES.

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.
APPLICANT	Any person or such person's authorized representative who files an application for a special permit under the Stow Zoning Bylaw.
APPLICATION	All plans, forms, reports, studies or other documents that are submitted to the Planning Board under these Rules by an APPLICANT.
BOARD	The Planning BOARD of the Town of Stow.
BYLAW	The Zoning BYLAW of the Town of Stow, as amended.
DECISION	Action by the BOARD on an APPLICATION.
OPEN LAND	An area of land within an ACTIVE ADULT NEIGHBORHOOD preserved in perpetuity exclusively for the purposes set forth in Section 5.4.13 (Open Land Requirements) of the Zoning Bylaw.
PARTIES IN INTEREST	The APPLICANT; abutters; owners of land directly opposite on any private or public STREET or way; and abutters to the abutters within 300 feet of the property line of the APPLICANT as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town; the BOARD; and the Planning Board of every abutting city or town.

PERMIT	A Special PERMIT for Active Adult Neighborhood (AAN) under the BYLAW.
POCKET OPEN LAND	Areas of undisturbed land not less than 0.5 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. COTTAGE DWELLING COMMON AREAs shall be considered POCKET OPEN LAND
PRIMARY CONSERVATION RESOURCES	<p>Areas of a potentially developable parcel that are protected or where development is limited by federal, state or local law or private restriction as stated in the deed of said parcel(s), including, without limitation:</p> <ul style="list-style-type: none"> <li>• Easements, not limited to conservation, preservation or agricultural use easements or restrictions; aquifer or public water supply easements or restrictions, including Zone 1 and A around public water supplies; and similar covenants and restrictions.</li> <li>• Areas of lakes, ponds, rivers, streams, brooks, vernal pools and wetlands, including the 35 foot no disturb buffer as may be amended, and as determined by the Conservation Commission in response to a formal Abbreviated Notice of Resource Delineation Application, and all wetland resource areas as defined in G.L. c. 131, s.40 and the Town of Stow Wetland Bylaw.</li> <li>• Floodplains as defined in Section 5.1 (Floodplain Overlay District) of the BYLAW.</li> </ul>
RULES	The RULES and Regulations for Active Adult Neighborhood (AAN) Special Permit as presented herein.
SECONDARY CONSERVATION RESOURCES	<p>Areas of a potentially developable parcel that contain valuable natural, historical or cultural resources, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Specimen trees</li> <li>• Stone walls</li> <li>• Prime farmland soils or soils of statewide importance as defined by the Natural Resource Conservation Service.</li> <li>• Significant geological features, including but not limited to, eskers, exposed ledge and significant boulders.</li> <li>• Mature and/or unfragmented woodlands</li> <li>• Meadows</li> <li>• Historical and archeological sites</li> <li>• Core Habitat, Critical Natural Landscapes, and Priority Natural Communities as defined by the Massachusetts Natural Heritage and Endangered Species Program</li> <li>• Agricultural fields</li> <li>• Slopes of 20% or greater</li> </ul>

- One hundred foot wetland buffer
- Open scenic vistas as defined in the Open Space and Recreation Plan in effect at the Time of the APPLICATION
- Missing segments of the Stow Emerald Necklace Trail as defined in the Open Space and Recreation Plan
- Land adjacent to existing conserved parcels
- Areas with a high Index of Ecological Integrity as defined by the Conservation Assessment and Prioritization System developed by the UMASS Landscape Ecology Lab.

SHARED INDOOR COMMON FACILITIES      A shared common STRUCTURE used for various community oriented functions, which is owned and operated by a HOMEOWNERS ASSOCIATION of an ACTIVE ADULT NEIGHBORHOOD

TOWN      The TOWN of Stow.

Other Definitions - Refer to the "Definitions" section and the Active Adult Neighborhood provisions of the BYLAW for additional defined terms and the "Subdivision Rules and Regulations".

## 1.5 Coordination with Subdivision Approval

In the case where the AAN requires Subdivision Approval under the SUBDIVISION CONTROL LAW or another special permit under the BYLAW, the APPLICANT shall submit an application for approval of a Definitive Subdivision Plan and/or special permit with the APPLICATION for a PERMIT hereunder. To the extent permitted by law, the BOARD shall consider all applications at the same time.

## 1.6 Waiver of RULES

Strict compliance with these RULES may be waived if the BOARD finds that the waiver is in the public interest or is irrelevant to the project, and is consistent with the intent and purpose of the BYLAW and these RULES and when applicable, the Town of Stow SUBDIVISION Rules and Regulations.

- 1.6.1 Any request from an APPLICANT for a waiver of these RULES must be submitted, in writing, to the BOARD at the time of submission of the APPLICATION. Such requests must clearly identify the provision/s of the RULES from which relief is sought and be accompanied by a statement setting forth the reasons why, in the APPLICANT'S opinion, the granting of such a waiver would be in the public interest or the specific information required to show strict compliance is irrelevant to the project, and why a waiver would be consistent with the intent and purpose of the BYLAW and these RULES.

## SECTION 2 - PRELIMINARY REVIEW

### 2.1 Performance Guarantee Required

Before endorsement of the Board's approval of an ACTIVE ADULT NEIGHBORHOOD Special Permit, the applicant shall agree to complete the required improvements specified in these Rules for any lots subject to the Special Permit. Such construction and installation shall be secured by one, or in part by one and in part by the other, of the following methods, which may from time to time be varied by the applicant with the written approval of the Board.

As a result of prior experience with the inflation of construction costs over time, as well as the higher costs of publicly bid work, the Board shall require a performance guarantee in the amount of one hundred and fifty percent (150%) of the estimated cost.

The Board reserves the right to increase the required amount deposited as necessary over time to ensure sufficient performance guarantee.

### 2.2 Performance Guarantees

2.2.1 **Restrictive covenant** – In addition to any required Performance Guarantee, the applicant shall file a restrictive covenant which has been approved by the Board, executed and duly recorded by the owner of record, running with the land, whereby such ways and services shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed; provided, that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of such premises or part thereof may sell any such lot, subject to that portion of the restrictive covenant which provides that no lot shall be built upon until such ways and utilities have been provided to serve such lot, and provided, further, that nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to such restrictive covenant, or either the entire parcel of land shown on the plan or of all lots not previously released by the Board. A deed of any part of the subdivision or subject parcels, in violation hereof, shall be voidable by the grantee prior to the release of the restrictive covenant but not later than three years from the date of such deed.

2.2.2 Said agreement shall also provide for a schedule of disbursements which may be made from time to time to the applicant upon completion of various stages of the work, and shall further provide that in the event the work is not completed within the time set forth by the applicant, any remaining funds not disbursed shall be available for completion.

### 2.3 Form of Performance Guarantees

Performance guarantees shall be filed with the Board and shall be subject to the following requirements:

2.3.1 If performance is guaranteed by means of a bond (Section 5.2.2), a deposit of money or negotiable securities (Section 5.2.3) or an agreement whereby the construction lender retains loan funds (Section 5.2.4), the performance guarantee shall comply with the following: If the performance guarantee is the form of a bond (Section 5.2.2), the bonding company shall be legally incorporated in the State of Massachusetts.



- 2.3.2 The performance guarantee shall define the applicant's obligation as "the construction of streets and ways, the installation of municipal services and the construction of certain other improvements for lots as shown in the Definitive Plan approved by the Board.
- 2.3.3 The performance guarantee shall specify a scheduled completion date on which the construction of the approved streets and improvements shall be completed by the applicant. The Board may extend such time as it deems appropriate after receipt of a written request received by the Board forty-five (45) days prior to the scheduled date of completion.
- 2.3.4 The performance guarantee shall include a statement that the Board has the exclusive authority to release performance guarantee funds.
- 2.3.5 The performance guarantee shall acknowledge the Board's exclusive authority, and shall state that it shall not expire until the Board, upon written request, certifies that all road work and improvements have been completed according to the approved plan and that the performance guarantee is released, or until forty-five (45) days have lapsed from the date the board received, by certified mail, a request for such certification and release, whichever comes first.
- 2.3.6 The performance guarantee shall acknowledge the Board's exclusive authority and state that it applies in full to all successors and assigns of the applicant whose performance is guaranteed.
- 2.3.7 The performance guarantee shall state that the full amount of the guarantee for each task that was not completed as defined in Section 2.3.3 shall be due immediately to the Town of Stow in case of the default of the applicant or his/her successor in constructing the streets and ways, municipal services and other improvements in accordance with the approved Plan. Default of the applicant or successor shall be defined in the performance guarantee as meaning:
- a) failure to complete all roadways according to the approved Plan by the scheduled completion date, or
  - b) bankruptcy of the applicant for the benefit of the creditors of the applicant, or the foreclosure of any mortgage on all or part of the land of the approved Plan before the scheduled completion date, as evidenced by court filings or
  - c) notice to the Board of the withdrawal or termination of any performance guarantee given hereunder, or of a request to substitute performance guarantee hereunder, prior to the scheduled completion date of the work, unless it is given forty-five (45) days prior to the anticipated date of such withdrawal, termination or substitution, or
  - d) any other condition or circumstance that constitutes default, in the opinion of the Board.
- 2.3.8 The performance guarantee shall include a detailed scope of work to be completed under the performance guarantee and shall provide for a schedule of disbursements, in accordance with Section 5.4 below, which may be made to the applicant upon completion of various stages of work (Schedule A).
- 2.3.9 The performance guarantee shall not contain any language, which contradicts the above state requirements.
- 2.3.10 A bond estimate may be requested from the Board once prior to the establishment of the performance guarantee and once with each subsequent full or partial bond release; the

estimate will remain effective for 90 days. The estimate will reflect the cost for the Town to complete the work as a public works project, which may necessitate legal fees, public bidding, additional staff time, etc.

## **2.4 Partial Release**

Prior to final release of a performance guarantee, the Board may grant up to two partial releases from the required performance guarantee for partial completion of improvements (or three partial releases in the event the original performance guarantee exceeds the sum of \$1,000,000.00 or 50 lots) provided that:

- 2.4.1 No lot(s) shall be released from the restrictive covenant unless construction of streets and ways, and installation of municipal services and other improvements in accordance with the approved Definitive Plan for said lots has been completed or another form of security has been substituted, sufficient to complete said streets and ways, municipal services and other improvements. The form entitled "Release of Lots - Certificate of Performance", or the form entitled "Release of Lots - Provision of Surety", whichever is appropriate, shall be submitted when applying for a partial release of lots from a restrictive covenant.
- 2.4.2 No reduction in the amount of the performance guarantee shall reduce the performance guarantee to a value below either the estimated cost of completing the unfinished portions of the improvements or twenty thousand dollars (\$20,000.00). The penal sum of any such bond held under Section 5.2.2 or any deposit held under Section 5.2.3 or any amount of funds retained pursuant to an agreement under Section 5.2.4 shall bear a direct and reasonable relationship to the expected cost, including a contingency amount of no more than 50% of the expected cost to guard against the effects of inflation, necessary to complete the subject work.
- 2.4.3 No partial release of security shall be granted until the Board has received written verification from the town's consulting engineer that a minimum of fifty percent (50%) of the required improvements have been satisfactorily completed.
- 2.4.4 The amount of the surety shall be 75% of the total surety amount or \$20,000.00; whichever is greater, until such time the final as-built plans are accepted by the Board.

## **2.5 Final Release**

Upon the completion of the construction of streets and ways, and the installation of municipal services and other improvements in accordance with the approved Plan, the applicant may request release of the bond, deposit of money or securities, or funds retained by lender by sending a statement of completion and a request for release by registered mail to the Town Clerk and the Board.

- 2.5.1 Such statement shall be accompanied by the following:
- 2.5.2 A written certificate from a registered professional engineer that the streets, drainage and utilities conform to the Board's requirements in accordance with the approved Definitive Plan.
- 2.5.3 A written certificate from a registered land surveyor that the As-Built Plan submitted accurately reflects the conditions in the completed subdivision are in compliance with the approved Definitive Plan.

- 2.5.4 A written certification by a registered professional engineer that the streets, drainage and utilities conform to the Board's requirements in accordance with the approved Definitive Plan.
- 2.5.5 A written confirmation from the Planning Board's inspector or agent that the improvements have been exposed to one complete winter environment (November 15 - April 15) without damage, or that damage, if incurred, has been repaired to the satisfaction of the Highway Department.
- 2.5.6 A written confirmation from the Tree Warden that installation of street trees and other plantings required by these Rules and the decision have been completed satisfactorily and that damaged plantings have been replaced.
- 2.5.7 The address of the applicant.
- 2.5.8 Five, (5), copies, plus one, (1), electronic copy of the final plan in PDF format of an as-built plan of the streets and ways within the subdivision. The as-built plan shall show all physical features within the right of way including all required improvements such as street trees, sidewalks and paths. The location and volumetric calculations for all storm-water detention facilities shall also be shown on the as-built plan. The as-built centerline and proposed profile shall be shown with gradients.
- 2.5.9 If the Board determines that said construction or installation has been completed, it shall release the interest of the Town in such performance guarantee. If performance was secured by means of a Restrictive Covenant the interest of the Town shall be released by execution of a "Lot Release - Certification of Performance".
- 2.5.10 If the Board determines that said construction or installation has not been completed in accordance with the approved Definitive Plan, it shall specify in a notice sent to the Town Clerk and, by registered mail, to the applicant, the details wherein said construction or installation fails to comply with the approved Plan. Upon failure to do so within forty-five (45) days after the receipt by said clerk of the statement requesting release of the Town's interests, all obligations under the bond shall cease and terminate by operation of law, any deposit shall be returned and any such restrictive covenant shall become void. In the event that said forty-five (45) day period expires without such specification by the Board, or without the release and return of the bond or return of the deposit or release of the restrictive covenant as aforesaid, the Town Clerk shall, upon request, issue a certificate to such effect, duly acknowledged, which may be recorded.
- 2.5.11 Even though all improvements covered by a bond, deposit or restrictive covenant have been completed, the Board may refuse to release the performance guarantee if completion of construction on any remaining undeveloped or partially developed lot poses a substantial risk or injury to the covered improvements.

Submission of a partial Performance Guarantee which corresponding to phasing of the development or particular lot construction is prohibited.

## **2.6 Advice from TOWN Staff**

Any advice, opinion, or information given to the APPLICANT by a BOARD member, or by any agency, official, or employee of the TOWN shall be considered advisory only and not binding on the BOARD.

## **2.7 Amendments to the RULES**

The RULES may be amended by a majority vote of the BOARD in a public meeting.

## **2.8 Preliminary Consultations**

Consultations between a prospective APPLICANT and Town Staff prior to the filing of an APPLICATION with the BOARD are strongly recommended and can prevent serious delays in the processing of the final APPLICATION. Alternatively, prospective APPLICANTS are encouraged to schedule time at a BOARD meeting to discuss preliminary plans and concepts related to the potential filing of a PERMIT APPLICATION.

Any action or communication initiated by the APPLICANT prior to the filing of an APPLICATION with the Town Clerk and the BOARD shall not constitute a PERMIT APPLICATION. The following RULES shall apply to such preliminary consultations.

## **2.9 Scope of TOWN Staff Reviews**

TOWN staff and a BOARD member representing the BOARD will review preliminary materials in an attempt to avoid unnecessary technical deficiencies in the final APPLICATION and to promote efficiency in the formal review process. Review will be limited to technical issues and to assessments of whether the project in question adequately addresses major issues of concern to the TOWN and the neighborhood. The preliminary review will be completed within 30 days. TOWN staff and the member of the BOARD assigned to the review will not be responsible for assuring the thoroughness, completeness, or correctness of any final APPLICATION. It is the responsibility of the APPLICANT to assure that any APPLICATION to the BOARD is complete and accurate.

Through the preliminary review process, the BOARD and its Administrative Assistant will make recommendations for any additional deposits that may be appropriate for outside technical consultants. Note that substantial changes in the project may require the alteration of these recommendations at the time of final submission. In all cases APPLICANTS shall contact the Planning Board Office prior to the final submission to discuss these fees.

If any other special permits are required from the BOARD for the project, then these should be discussed at this time.

2.9.1 Through the preliminary review process, staff will make recommendations for any fee waivers or additional deposits that may be appropriate. Note that substantial changes in the project may require the alteration of these recommendations at the time of final submission. In all cases, APPLICANTS shall contact the BOARD's staff prior to the final submission to discuss these fees.

2.9.2 If any other special permits are required from the BOARD for the project, then these should be discussed with the staff at this time.

## **2.10 Fees**

The first such preliminary review by staff shall be free of charge. Subsequent preliminary reviews shall require payment of a fee by the prospective APPLICANT of \$500.00 at the time of submission. The fee shall be submitted in check form and made payable to "Town of Stow".

- 2.11 Additional Review Fee Deposits** - So that the BOARD may make the findings required under the BYLAW and ensure that the public safety will be protected, the BOARD may select and hire outside traffic, engineering, legal, ecological or planning consultants to review an APPLICATION. To cover the cost of these reviews a review fee deposit may also be required of an APPLICANT at the time of submission or at any appropriate time in the review process. As the scope of study and review will vary according to the size of a particular project, the APPLICANT is hereby strongly advised to consult the Planning Department concerning the scope and cost of any such studies during the preliminary review. Failure to do so could result in serious delays in the processing of the APPLICATION. The amount of the fee deposit will reflect the anticipated consultant fee/s plus 10%. Note that some projects may require additional fees to cover further study if significant impacts or problems are found in the initial review. Any amount of the deposits remaining after the issuance of building permits for the proposed construction plus any remaining accrued interest will be repaid to the APPLICANT or the APPLICANT's successor in interest.
- 2.12 Appeal From the Selection of the Consultants** - The APPLICANT may appeal from the selection of an outside review consultant to the SelectBoard. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field. The APPLICANT must specify the specific grounds which the APPLICANT claims constitute a conflict of interest or a failure to meet minimum professional requirements.

## **SECTION 3**

### **ACTIVE ADULT NEIGHBORHOOD SITE PLAN**

#### **3.1 APPLICATION Form**

An APPLICATION for a PERMIT that lacks information or is incomplete in any manner may be denied or seriously delayed. It is the responsibility of the APPLICANT to assure the accuracy and completeness of all information submitted to the BOARD as part of an APPLICATION. The APPLICANT shall be responsible for factually supporting all points relied upon in the APPLICATION, including references for methodologies used in design calculations.

A complete APPLICATION for a PERMIT shall include the following items.

- 3.1.1 Any APPLICATION for a PERMIT shall be made in writing and include the completed APPLICATION form entitled "Application for Active Adult Neighborhood Special Permit" attached to these RULES and also furnished by the BOARD at Town Building. In the case where the APPLICANT is a person other than the record owner of the property, the APPLICANT shall obtain the owner's signature on this form indicating that the owner has knowledge of and consents to the APPLICATION. If the APPLICANT is acting in the name of a trust, corporation or company, an authorizing vote shall be attached.
- 3.1.2 Seven (7) full-size copies of the APPLICATION (including plan sheets) and fifteen (15) reduced-size (11" x 17") copies of the plan sheets shall be required at the time of submission of an APPLICATION.

#### **3.2 Certified Abutters List**

List of abutters and abutters to abutters that are PARTIES IN INTEREST as defined in these RULES, taken from the most recent tax list of the TOWN and certified by the Town Assessor. The APPLICANT shall pay any charges required by the Town Assessor for the list.

#### **3.3 USE Description**

Detailed description of the existing and proposed principal and accessory USES, including the proposed distribution of the various land USES; the proposed diversity and approximate cost range for the DWELLING UNITS. Detailed description of all support services provided, such as recreation (indoor and outdoor), personal services (health, laundry, etc.), convenience services (retail store, financial, restaurant, transportation), food service; and whether those services will be limited to residents of the development or available to the community at large. The proposed USES and form of ownership of the common facilities,. The APPLICANT shall declare whether or not the proposed USES within the AAN are expected to generate, store, use, or dispose of HAZARDOUS MATERIALS or WASTES. Activities on the site must comply with the TOWN's Hazardous Materials Control Bylaw.

#### **3.4 Other Permits, Approvals and Variances**

A list and copies of variances, permits, and other special permits previously issued by TOWN boards or State and Federal agencies, and a list of any variances or permits required to complete the proposed work. This list should include, but not be limited to, any permits from the Board of Health, the Select Board, the Conservation Commission, the Zoning Board of Appeals, the Mass. Highway Department, the Army Corp. of Engineers, and the

Mass. Dept. of Environmental Protection; and certificates issued by the Secretary of Environmental Affairs under the Massachusetts Environmental Policy Act.

NOTE: If any other special permits are required from the BOARD, the APPLICANT is hereby strongly advised to make the applications for such additional permits concurrently with this PERMIT APPLICATION.

### **3.5 Recorded Plans and Deeds**

A copy of the most recently recorded plan(s) and deed(s) for the LOT(s) on which the work will take place bearing the book number(s), page number(s), and date(s) of recording(s) or registration(s).

### **3.6 Drainage Calculations**

Storm drainage runoff calculations used for the drainage system design must be prepared by and display the seal of a Registered Professional Engineer to show compliance with the BYLAW. These calculations must be based on a recognized standard method (usually the Rational or Soil Conservation Service Methods). The calculations must contain a written summary explaining the rationale of the design so that a layperson can understand the basic design approach and its validity for the site in question.

3.6.1 Furthermore, the calculations should be fully documented, including copies of charts or other reference sources, to make review possible. The pre- and post- development runoff rates must be provided. If applicable, the methods used to comply with the BYLAW and the *Dept. of Environmental Protection's Stormwater Management Handbook* shall be described. The use of computer-generated reports is acceptable, however, the source of the software should be identified.

3.6.2 Calculations shall be provided to support the sizing of all drainage structures and pipes. Design of the storm drainage system shall be based on a 25-year storm event; Stormwater Management basins shall be designed to accommodate the 100 year storm without relying on the emergency overflow. If the plan includes a "reserve parking" area, the storm drainage system design for this area shall be included in these calculations.

### **3.7 Earth Removal Calculations**

Calculations for determining the amount of earth to be removed or the amount of FILL to be brought to the site shall be prepared by and show the seal of a Registered Professional Engineer.

### **3.8 Water Resource Protection District**

The portion of the site in the Water Resource Protection District shall be noted. Compliance with all applicable portions of Section 5.2 of the BYLAW shall be demonstrated.

### **3.9 Traffic Impact Study**

A traffic study shall be submitted with all Special Permit Applications for Active Adult Neighborhoods, regardless of the project size, except as permitted in Section XX of the Rules. The traffic study shall follow guidelines published by the ITE *"Transportation Impact Analysis for Site Development: An ITE Recommended Practice"*, the guidelines issued by the Massachusetts Department of Transportation and various references noted below as appropriate. The analysis should be documented in the report and shall be completed by or under the supervision of an ITE Member registered as a Professional Engineer in the State of Massachusetts. It is strongly recommended that the Applicant's traffic consultant/engineer meet with the Town planning staff at the outset of the analysis to confirm the scope of the analysis and identify any unique issues that need to be addressed

by the Applicant.

### 3.9.1 Determining Project Size

Different levels of traffic analysis shall be required depending on the size of the proposed project. The definition of project size is as follows:

- MINOR Projects: Less than 10 peak hour vehicle trips
- MODERATE Projects: Between 10 – 50 peak hour vehicle trips
- LARGE Projects: Greater than 50 peak hour vehicle trips

### 3.9.2 Required Data Submissions for all projects:

- Proximity to existing points of interest or area of existing safety concern (e.g. high crash location);
- Classification of abutting roads and general current operating conditions;
- Anticipated special characteristics of the proposed traffic generated (e.g. anticipated vehicle/truck types, peak hours of operation that differ from standard commuting patterns/times, delivery hours and circulation patterns).

#### 3.9.2.1 Required Data Submissions for "MINOR" projects:

1. the estimate of the project's daily and peak hour trips;
2. expected operating condition of its site access drive intersection with the major street;
3. sight distance analysis for the points of access/egress following the direction described below under 'Moderate/Large Projects'; and
4. the evaluation of the proposed site drive intersection geometric design with the major intersecting street.

The Planning Board may waive the requirements associated with MINOR projects where it can be demonstrated that the information required would not be relevant or useful for determining the adequacy of the Special Permit applied for;

#### 3.9.2.2 Required Submissions for MODERATE / LARGE projects.

In addition to the matters listed in subsection (3.9.2.1), above, the specific items to be addressed in traffic impact studies for moderate to large projects are listed below:

1. Study Area - The determination of the study area shall be made by the Applicant based on Table 2-3 from the 2010 or later edition of the ITE *"Transportation Impact Analysis for Site Development: An ITE Recommended Practice"* and shall incorporate the roadways that the site access will be connected to; provided, however, that the study area shall extend not less than 1/4 mile from the property lines and shall include all major intersections and access drives within the study area for Moderate Projects, and shall extend not less than one mile from the property lines and shall include all major intersections and access drives within the study area for Large Projects, unless these minimum distances are altered or waived by the Board.
2. Traffic Volumes - The current daily volumes on the roadways abutting the project shall be obtained. Peak hour volumes shall be collected during weekday peak periods- typically 7:00AM - 9:00AM and 4:00PM - 6:00PM. Retail and restaurant uses shall consider the midday peak hour (i.e. 11:00AM - 2:00PM).



Data that exists for study locations, which is no more than two years old may be used for the current application; use of older data or analysis periods must be reviewed and approved by the Planning Board.

3. **Safety Data** - The traffic study shall include research of recent crash data at all study locations. At a minimum, the crash records maintained and available through the Massachusetts Department of Transportation (MassDOT) and the Town of Stow Police Department for the latest available three years shall be summarized to indicate crash characteristics, including but not limited to frequency, type, severity and weather or road surface conditions. Crash rates will be calculated and compared to the appropriate average rates found in the MassDOT District area. Notable trends or potential safety issues shall be identified.
4. **Future Traffic Volumes** - The traffic study must estimate future traffic volumes for conditions with and without the proposed development project. The future year for moderate and large projects should be five years from when occupancy begins. A No Build condition must be considered and must take into account nearby developments or redevelopments that are planned, expected and underway within the study period.

The traffic for the proposed development must include daily and peak hour flows. If applicable, Saturday conditions must be estimated. Unless otherwise supported, the traffic estimates for proposed developments should be based on the models in the latest Trip Generation Report published by the ITE. Estimates of site traffic distribution should be documented and clearly shown in the traffic report. For all non-residential land use types, estimates of truck traffic shall be provided based upon the use proposed or on comparable land uses.

5. **Traffic Analysis** - An analysis of the proposed project's impact on the study area intersections and roadways will involve examining the change in traffic volumes at the study locations and completing a level of service analysis consistent with the methods described in the Highway Capacity Manual published by the Transportation Research Board. The results must be summarized in tabular form and include comparisons of the existing, no-build and build conditions. Information that is required for each approach, lane group and overall include the volume to capacity ratio, average vehicle control delay, level of service (LOS) and the 95th percentile vehicle queues. The Board may require mitigation where a location currently experiences or is projected to experience a peak hour LOS 'D' or lower.
6. **Sight Distance Analysis** - Proposed streets and access drives shall be located so as to provide adequate sight distance with respect to both horizontal and vertical alignment, as well as at intersections. Site distances shall meet requirements of AASHTO Geometric Design of Highways and Streets to determine adequate site distance including stopping sight distance, and intersection sight distance, at a minimum. A summary table and/or diagram should be provided in the traffic report that indicates the measured distances, the required distances given the appropriate speed and a determination if the distance criterion is satisfied or not for each type and direction.
7. **Pedestrian/Bicycle Circulation** - A review/assessment of the impact of the project's access points in relation to impacting the pedestrian and bicycle travel

on the abutting street shall be completed and a statement of impact and/or adequacy should be included in the traffic report.

8. Internal circulation plan - An internal traffic and pedestrian circulation plan shall be prepared as part of the traffic study, providing information on emergency vehicle access and turning radii, expected goods/delivery routes, and any potential conflicts between bikes and pedestrians with existing or proposed vehicular traffic.
9. Mitigation - The Town of Stow is committed to reducing traffic impacts and encouraging the design, construction, maintenance, and operation of all streets to provide for a comprehensive and integrated network of facilities for people of all ages and abilities in accordance with the Town of Stow's Complete Streets Policy as amended. To this end, the Applicant will be required to evaluate potential mitigation measures and improvements unless it can be fully demonstrated that mitigation should not be required for a specific project. Potential mitigation measures and improvements shall include but not be limited to the following:
  - a. Access Management strategies to reduce the number of curb-cuts without compromising emergency access including:
    - i. Encouraging shared vehicular access with adjoining developments.
    - ii. Maximize distances between proposed access drives and the driveways to adjacent properties;
  - b. Location and design of proposed non-residential access drives to minimize unnecessary traffic intrusion into existing residential neighborhoods;
  - c. Use of Clearing, grading, signage or other improvements to ensure adequate sight distances are provided and maintainable;
  - d. Provision of pedestrian connections with adjacent properties, developments and street networks.
  - e. Traffic calming strategies including but not limited to signage, rapid flashing beacons and signals, traffic islands, curb bumpouts and other guidance required for safe and efficient traffic movement;
  - f. Reconstruction of roadway segments and/or intersections to improve the level of service to pre-development levels of higher than LOS 'D'. This may include but not be limited to additional travel or turn lanes, signalization, upgraded signalization and signal timing, channelization, and other physical improvements.
  - g. Accommodation of transit within or adjacent to the project site.
  - h. Provision for or contribution toward demand management techniques including but not limited to sidewalks, bicycle lanes, carpooling, transit service and on-site services;
  - i. Complete Streets improvements in accordance with the Town of Stow Complete Streets Policy, including but not limited to sidewalk improvements in the form of design and/or construction, crosswalks, signalized intersections or crossings, bike lanes, paths, pedestrian walkways and other pedestrian and/or bicycle facilities;
  - j. Submission of engineered plans showing the seal of a professional engineer licensed to do business in the State of Massachusetts, provided for the

purpose of complying with the mitigation requirements of the Rules;

- k. Provision of funds to the Town for the purpose of studying, designing and/or constructing transportation improvements within the study area or in locations or intersections expected to receive considerable impact due to the proposed development. Payment for such activities shall be based upon estimates received within one year of the project application, from transportation engineering firms licensed to do business in Massachusetts, or a licensed professional in the field of transportation construction.
- i. Estimates older than one year at the time of project approval shall be updated to provide for accurate estimation;
- ii. All estimates shall assume the use of prevailing wage for all work or services included.
- iii. In the event the project is to be phased over time, then the mitigation actions must be detailed in terms of implementation schedule.

The Planning Board may waive the requirements associated with MODERATE projects where it can be demonstrated that the information required would not be relevant or useful for determining the adequacy of the Special Permit applied for;

### **3.10 Ownership and Maintenance of OPEN LAND**

A draft copy of the proposed deed(s) and other instruments, which shall be recorded at the Middlesex South Registry of Deeds or the Land Court, shall include the following:

- 3.10.1 Legal description of the OPEN LAND which is to be conveyed to a corporation, trust, or non-profit organization;
- 3.10.2 Statement of the purpose for which the OPEN LAND is intended to be used and the restrictions on its USE and future transfer of title or alienation in accordance with the requirements of the BYLAW;
- 3.10.3 The type and name of the corporation, trust or non-profit organization which will own, manage and maintain the OPEN LAND and any improvements thereon;
- 3.10.4 If the OPEN LAND is to be conveyed to a corporation or trust consisting of property owners within the MAHD, include a description of the ownership or beneficial interest in the corporation or trust of each owner of a property in the MAHD and a provision that such ownership or beneficial interest shall be appurtenant to the dwelling to which it relates and may not be conveyed or encumbered separately there from;
- 3.10.5 Provisions for the number, term of office, and the manner of election to office, removal from office and the filling of vacancies in the office of directors and officers of the corporation or non-profit organization or trustees of the trust;
- 3.10.6 Procedures for conduct of the affairs and business of the corporation, non-profit organization or trust including provision for the calling and holding of meetings of members and directors and officers of the corporation or non-profit organization or beneficiaries and trustees of the trust and provision for quorum and voting requirements for action to be taken;
- 3.10.7 Provision for the management, maintenance, operation, improvement and repair of the OPEN LAND and any improvements thereon, including provisions for obtaining and maintaining adequate insurance and levying and collecting from the property owners common charges to pay for expenses associated with the OPEN LAND, including real

estate taxes. It shall be provided that common charges are to be allocated among the dwelling owners in proportion to their ownership or beneficial interests in the corporation, non-profit organization or trust, and that each dwelling owner's share of the common charge shall be a lien against his real estate in the AAN which shall have priority over all other liens, with the exception of municipal liens and first mortgages of record; and

3.10.8 The method by which such instrument or instruments may be amended.

### **3.11 ACTIVE ADULT NEIGHBORHOOD DESIGN PROCESS**

A narrative describing adherence to the ACTIVE ADULT NEIGHBORHOOD DESIGN PROCESS shall detail the chronology of analysis for the subject parcel(s). The written narrative should include the following items:

- Identification of on-site and directly abutting PRIMARY or SECONDARY CONSERVATION RESOURCES
- Demonstration of methods used to determine PRIMARY and SECONDARY CONSERVATION RESOURCES.
- Location and type of dominant ecological features, and any areas of special environmental interest.
- Demonstration of how resource area location and type contribute to proposed design for the dwelling sites, and the layout of streets, trails and lot lines, in the order so described.

### **3.12 Letter Authorizing Completion of Improvements**

A letter authorizing Town representatives to enter on the AAN to complete the STREETS and ways, services and other aspects of the plan or plans for which the APPLICANT seeks a PERMIT, if the developer does not complete them according to his obligations.

### **3.13 Mortgage Holders**

A list of mortgage holders, which shall be kept current during the period of development.

### **3.14 Proof of Compliance for AAN**

The BOARD cannot issue a special permit for Active Adult Neighborhood unless the proposed AAN conforms to the definition provided in the BYLAW, as amended from time to time.

### **3.15 Restrictive Documents**

Draft Restrictive Documents including deed restrictions and contractual agreements which restrict the AFFORDABLE DWELLING UNITS to occupancy by LOW INCOME or MODERATE INCOME households at the time of the original sale or rental and at the time of a resale or re-rental, and any other restrictions and covenants designed to insure initial and long-term affordability of the AFFORDABLE DWELLING UNITS, in accordance with the requirements of the BYLAW.

### **3.16 Subsidy Arrangements**

A written statement identifying the source(s) and amount(s) of any proposed governmental subsidy arrangements.

### **3.17 Development Pro Forma**

A complete and detailed development Pro Forma, as contained within the Appendix, including an indication of all costs to buyers and renters of AFFORDABLE DWELLING UNITS.

### **3.18 Selection Criteria**

The proposed methods of selecting purchasers and tenants of AFFORDABLE DWELLING UNITS, including the methodology for local preference, as required by the BYLAW. Identify in detail the steps that will be taken to alert minorities to the AFFORDABLE Housing opportunities available in the project and identify the Affirmative Action goals for the project. Indicate who will oversee the process and how many units will be included in each preference category.

### **3.19 Development Schedule**

A proposed development construction schedule, as contained within the Appendix, indicating the timing and/or sequence of construction of AFFORDABLE DWELLING UNITS and market rate units.

### **3.20 Unit Composition Table**

A table, as contained within the Appendix, showing the proposed BUILDINGS by type and size (number of bedrooms), total number of DWELLING UNITS, total number of AFFORDABLE DWELLING UNITS (if any), total number of DWELLING UNITS for handicapped persons, percentages of the various USES and any other information that may be necessary to demonstrate compliance with the BYLAW.

### **3.21 Development Team Information**

The names, addresses and telephone numbers of each member of the development team, including, but not limited to, the names of the developer, builder/contractor, architect, engineer, attorney, marketing agent and consultants. Additional information including a full resume and references for completed projects, which are similar to the project being proposed, shall be provided for the developer and the builder/contractor.

### **3.22 Development Impact Statement**

A completed Development Impact Statement (see Appendix - Form DIS).

### **3.23 Fiscal Impact Analysis**

A completed Fiscal Impact Analysis of the proposed development (see Appendix - Fiscal Impact Analysis).

### **3.24 ACTIVE ADULT NEIGHBORHOOD Site Plan**

All plans shall be legibly drawn to fully detail and explain the intentions of the APPLICANT. AAN site plans shall be drawn at a standard scale (1 inch = 20, 40, or 50 feet) except when noted otherwise. All plans shall include a reasonable numbering system for LOTS, BUILDINGS and DWELLING UNITS. Each plan sheet shall feature a north arrow, a legend identifying any representative symbols used on the sheet in question, an appropriate title block in the lower right hand corner, and the seal of a Registered Professional Engineer, Registered Land Surveyor, Registered Landscape Architect, Registered Professional Architect, or some combination of these as appropriate to the data on the sheet. Topography and all elevations shall be referenced to the National Geodetic Vertical Datum with the location and elevation of the starting benchmark plus at least two additional temporary benchmarks on the site.

#### **3.24.1 Organization of Plan**

The individual components of the AAN site plan (i.e. Record Plan, Natural Features and Existing Conditions Plan, Site Development Plan, Landscape Plan, Erosion and Sediment Control Plan, etc.) may be presented on one or more plan sheets, as necessary, to present clear and legible plans. Match lines shall be placed in plan locations that feature a

minimum of information. Sufficient overlap between plan sheets shall be provided to permit easy reading of plans across match lines. Unless other arrangements are made with staff during the preliminary review process, the AAN site plan shall consist of the following:

3.24.2 A Title Sheet showing:

1. A locus plan showing an area a minimum of one mile diameter at a scale of 1" = 1200' with major STREETS, BUILDINGS, brooks, streams, rivers and other landmarks shown with sufficient clarity to show the relationship of the AAN to the community, its facilities and major features.
2. The general layout of the AAN drawn to a scale suitable to fit the entire development onto the title sheet and showing existing and proposed approximate layouts of STREETS and ways, LOT boundary lines, LOT numbers, existing STREET names and identification of proposed STREETS and ways, areas to be developed, OPEN LAND, areas to be left undeveloped within the AAN boundaries, and all zoning district boundaries within or adjacent to the site.
3. Names and addresses of the owner of record, the PETITIONER, the engineer and the land surveyor, the book and page number of the recording of the deed or the Land Court certificate.

3.24.3 Design Certifications - Each plan sheet shall show the seal of a Registered Professional Engineer, Registered Land Surveyor, Registered Landscape Architect, Registered Professional Architect, or some combination of these, as appropriate to the data on the sheet.

3.24.4 A Record Plan suitable for recording at the Middlesex South Registry of Deeds or the Land Court showing:

1. The name of the AAN, names of STREETS and ways within the AAN and immediately adjacent to the AAN, the AAN perimeter and LOT boundaries, OPEN LAND boundaries, date, scale and legend, and the TOWN Property Map Sheet and Parcel Numbers.
2. Names and addresses of the owner(s) of record, and the APPLICANT, the engineer and land surveyor, the book and page number(s) of the recording of the deed(s) or the Land Court certificate(s).
3. Location of abutting property lines with ownership indicated.
4. All zoning classifications and zoning district boundaries, including the boundaries of the Flood Plain/ Wetlands District and WATER RESOURCE Protection Districts, if applicable, shown in their proper location.
5. Sufficient data to easily determine the location, direction, width and length of every STREET line, easement, right of way, way or path, LOT line and boundary line, and to reproduce these lines on the ground. All bearings shall be true, magnetic or grid, and the north arrow used on the plan shall clearly indicate this.
6. All required setbacks for BUILDINGS, STRUCTURES, parking or loading facilities shall be dimensioned on the plan to demonstrate compliance with zoning requirements.
7. House or DWELLING UNIT numbers on each LOT, as determined by the Town, clearly distinguishable from the LOT numbers.
8. A clear indication, by proper symbols, markings, dates or other notes, after a thorough search has been made of permanent monuments or boundary markers, as were found in the traverses and/or perimeter surveys, and of wetlands, watercourses and other significant features.

9. Sufficient space for the date and the signatures of the BOARD or its designee, and, if the AAN is not a subdivision under the Subdivision Control Law, the statement "Approval under the Subdivision Control Law Not Required".
10. A statement that the plan is subject to an AAN Special Permit granted by the Stow Planning Board with conditions and limitations, and similar statements with regards to any decisions, appeals, variances, and other permits and special permits governing the land or any BUILDINGS or STRUCTURES thereon.
11. A reference to all covenants and restrictions applying or relating to the land and improvements thereon, and their purpose.

3.24.5 A Natural Features and Existing Conditions Plan showing:

1. PRIMARY CONSERVATION RESOURCES;
2. SECONDARY CONSERVATION RESOURCES;
3. Site features such as, but not limited to, flood plains, waterways, drainage courses, and ledge outcroppings.
4. Existing and proposed contours of the land shown at two (2) foot intervals, unless otherwise required by the BYLAW. Topography shall be referenced to the National Geodetic Vertical Datum with the location and elevation of the starting benchmark plus at least two additional temporary benchmarks on the site.
5. Location and results of any field tests to determine the MAXIMUM GROUND WATER ELEVATION.
6. All wetlands and wetland buffer area boundaries. Wetlands are defined as those areas subject to the provisions of either the "Wetlands Protection Act", MGL., Chapter 131, Section 40, or the "Stow Wetlands Bylaw".
7. Any species occurring on the site that is listed by the Massachusetts Natural Heritage Program as endangered, threatened and/or of special concern, or as a rare native plants.
8. All existing monuments and improvements such as, but not limited to BUILDINGS, STRUCTURES, roads and ways, paved areas, stone walls, underground and above ground storage tanks, wastewater disposal systems, historic STRUCTURES, historic BUILDINGS, archeological sites, and scenic vistas; indicate final disposition of any existing BUILDING, STRUCTURE and other improvements, whether they are to remain or to be removed.
9. The perimeters of all proposed improvements such as, but not limited to roads and approximate location of BUILDINGS, STRUCTURES, and paved areas, superimposed on the natural features plan in a faded or screened back mode.

3.24.6 Site Development Plan

1. Tabulations - A table shall show the legal requirements (minimums, maximums) of the zoning district (where applicable), existing conditions (where applicable), and the proposed site conditions for the following characteristics: LOT size, total LOT coverage, % of land in any zoning district where the proposed USE is not permitted, OPEN LAND, UNDISTURBED OPEN SPACE, % wetlands, % flood plain, DEVELOPABLE SITE AREA, front yard, side yard, rear yard, any buffers, BUILDING height, minimum distance to ground water, pre and post development runoff rates and ground water recharge, GROSS FLOOR AREA, FLOOR AREA RATIO, and the number of parking spaces (including numbers of Reserve Parking, handicapped, and

small car spaces) with supporting calculations. The table shall give the percentage of reserved parking spaces with respect to the total number of spaces provided.

2. All zoning classifications and zoning district boundaries, including the boundaries of the Floodplain/Wetlands District (with elevations), and the Water Resource Protection District, if applicable;
3. Existing and proposed topography at 2-foot intervals;
4. The proposed layout and area of the OPEN LAND with percent of total PCD area;
5. Location of any special site features including, but not limited to waterways, wetlands, bridges, dams, drainage courses, stone walls, fences, and wells, with indication of any proposed alterations if feature is existing; PRIMARY CONSERVATION RESOURCES and SECONDARY CONSERVATION RESOURCES.
6. Outline or footprint of any existing or proposed BUILDING or STRUCTURE with identification and its finished floor elevation. The final disposition of any existing BUILDING or STRUCTURE, whether it is to remain, be removed, or be altered, shall be noted.
7. The location of any existing or proposed signs, including signage delineating the location of trail and footpath connections, must be shown and, if existing, their final disposition must be noted.
8. Clear identification of each area intended to be used as OPEN SPACE on the site with the square footage of each such area shown. A separate sheet may be necessary to show these areas adequately.
9. Sidewalks with a note on the construction materials to be used.
10. Location and layout of all existing and proposed STREETS and ways, common drives, ALLEYS, walkways, and sidewalks and other impervious covers with proposed finished grades along the center line or as appropriate, including ACCESS STREETS or ways to the AAN and intersections with existing STREETS or ways, including the proposed sidewalk along the AAN's entire FRONTAGE on existing STREETS, and with all dimensions and design standards necessary to determine compliance with the BYLAW and Subdivision Rules and Regulations as applicable.
11. All driveway entrances dimensioned so that compliance with the access requirements of the BYLAW may be determined. Any driveway intended to be used as a "common driveway" shall be so identified. The use of common driveways is strongly encouraged. In the case where a common driveway is proposed, the plan must show sufficient detail so that the BOARD may evaluate how the driveway is intended to serve the common sites. The size of the largest truck expected to use the site shall be noted. All of the drives and entrances must be designed to accommodate the designated size of truck. The smallest size for the design shall be the SU-30 design vehicle so that fire trucks may maneuver on the site.
12. Intersections and driveway entrances on other LOTS within 75 feet of the site with the distance between driveways dimensioned.
13. All parking and loading facilities with proper dimensions. Parking spaces must be identified as either standard size, handicapped, or small-car parking spaces. The location of any signs intended to be used for identification of small car and handicapped parking spaces must be shown and the pavement markings for small car parking spaces shall be yellow.
14. All access and utility easements;



15. Location and perimeter outline of any on-site or off-site, existing or proposed wastewater treatment and disposal system including any required reserve areas. The type of the wastewater disposal system shall be identified by a simple notation. Actual design and construction specifications for a wastewater disposal system are not required. The proposed location of sewer lines must be shown.

16. Plan notes that:

- (1) forbid the use of FILL containing HAZARDOUS MATERIALS OR WASTE in accordance with the BYLAW;
- (2) require the marking of the limits of work in the field prior to the start of construction or site clearing;
- (3) require the cleaning of catchbasin sumps and stormwater basins following construction and annually thereafter;
- (4) restrict the hauling of earth or construction debris to or from the site to the hours between 7 A.M. and 4 P.M. on weekdays if such materials are intended to be removed from or brought to the site;
- (5) describe the materials to be used in the construction of impermeable surfaces such as sidewalks and driveways (as a minimum, the BOARD requires 12" of gravel and 3" of bituminous concrete paving laid in two courses); and
- (6) make reference to any other design, operation or construction requirements in compliance with these RULES, the BYLAW, and the Stow ACTIVE ADULT NEIGHBORHOOD Rules and Regulations.

3.24.7 An Erosion and Sedimentation Control Plan showing adequate erosion and sediment control measures during and after construction including the following:

1. Sediment basins (debris basins, desilting basins, or silt traps) installed in conjunction with the initial grading operations and maintained through the development process to remove sediment from runoff waters draining from land undergoing development.
2. Velocity Check Dams used around the catch basins on the proposed STREETS to protect them from the eroding soils and provide a check dam\* to slow the runoff during the construction.

The Erosion and Sedimentation Plan shall show velocity check dams\* in all unpaved STREET areas at the intervals indicated below:

<u>Grade of the STREET</u>	<u>Intervals between Check Dams</u>
Less than 4%	100 feet
4% to 10%	50 feet
over 10%	25 feet

The developer shall provide velocity check dams\* in all unvegetated or unpaved channels at the intervals indicated below:

<u>Grade of the Channel</u>	<u>Intervals between Check Dams</u>
Less than 3%	100 feet
3% to 6%	50 feet
Over 6%	25 feet

\* Check dams in unpaved STREETS and unvegetated or unpaved graded channels may be constructed of staked hay bales or other erosion resistant materials approved by the BOARD upon advice from their engineering consultant. The check dams shall be installed at the end of each working day, and in the event of rainfall being predicted. The hay bales should be securely staked to prevent overturning,

floatation, or displacement. They shall extend completely across the STREET or channel at right angles to the centerline. Also, a velocity check dam shall be provided along the entrance of the LOT to protect the public STREETS and adjacent properties from the hazards of erosion. All check dams shall be cleaned out of all debris and silt periodically.

3. Control measures such as hydroseeding, hay bales, berms, siltation control fences, interceptor ditches, terraces, and sediment traps. The Erosion and Sedimentation Plan shall include a note stating that the control measures shall be put into effect prior to the commencement of each increment of the development/ construction process.
4. Type of mulching, matting or temporary vegetation.
5. Size and location of land to be cleared at any given time and length of exposure time.
6. Method of covering soil stockpiles.
7. Any other methods to be used during construction to control erosion, sedimentation and siltation.
8. Documentation of proper construction and erosion control sequencing from the point of implementation to removal.
9. A note on the Erosion and Sedimentation Plan shall state that the developer is required to clean up any sand, dirt, or debris which erodes from the site onto any public street or private property through the use of a street sweeper as applicable, and to remove silt or debris that enters any existing drainage system, including catch basin sumps, pipe lines, manholes and ditches.
10. The Erosion Control and Sedimentation Plan shall include additional mitigations where two (2") or more inches of rain is forecast in a 24 hour period. Mitigation measures may include but not be limited to the removal of silt sacks from catch-basins, requirement of sandbags around catchbasins on steep slopes, and pumping of detention basins where consecutive two (2") inch or more rain events are forecast within a period of five (5) days.

3.24.8 A Landscape Plan showing:

1. General site features such as LOT lines, existing and proposed STRUCTURES, parking areas, curbs, walkways, loading areas, land contours, water bodies, wetlands, streams, ledge outcroppings, and large boulders so that it may be easily related to the other plans.
2. Landscape treatments planned for the site and existing vegetation to be retained.
3. Any area intended to meet parking LOT landscaping area requirements of the BYLAW shall be fully dimensioned and its area noted so that compliance with BYLAW requirements may be determined.
4. A planting table with the botanical and common name of each species, its height (at planting), its spread (at maturity) and the quantity intended to be planted, along with the symbols used to represent the plants on the plan.
5. A typical detail of a tree well, tree planting, and specialty planting area, if applicable.
6. The limits of work beyond which no disturbance during construction will be permitted; a plan note shall require that the limits of work be staked out at the site and they must be maintained at all times; in the vicinity of trees, the limits of work shall follow the drip line of the trees.

7. The perimeter of any existing wooded areas on the site shall be shown; existing wooded areas intended for preservation shall be noted; the location, size, and proposed fate of any existing trees larger than 16" in diameter shall be shown.
8. Deciduous shade street trees shall be planted approximately 10 - 15 feet from the street curbline in areas where existing vegetation is proposed to be removed or is lacking. Where there is a sidewalk provided in the street layout, the street trees shall be planted on the inside of the sidewalk layout, and not within the boulevard strip. Trees shall be planted on both sides of the street at not more than 40 foot intervals along the entire length of the road(s). The Planning Board may alter the total number of required trees where the Applicant can demonstrate retained trees and vegetation to provide a similar shade effect.

Species - The species of street trees shall be selected from the Tree Warden's List of Acceptable Street Trees, dated 10.1.2017 and shall be of licensed nursery stock with good root development and branching characteristics. Unlisted street trees may be permitted provided written approval from the Tree Warden. Existing trees may be preserved as street trees if inspected and approved by the Stow Tree Warden.

#### 3.24.9 Site Utilities

1. The location of any existing and proposed outdoor lighting installations and signs.
2. Proposed boundaries of each development phase clearly showing the specific limits of construction for each phase; interim curbing, pavement and landscaping shall be shown, as needed, between phases.
3. Location and type of stormwater drainage facilities including notes on the construction materials of any pipes, culverts, catchbasins or any other system component. Sufficient information relating to placement of the drainage system components (rim and invert elevations, pipe slopes, amount of cover, etc.) shall be shown so that the operation of the system can be evaluated. Any drainage ponds intended to be constructed shall be shown fully dimensioned. If a "Reserve Parking" area is proposed, the plan shall show the stormwater drainage structures intended for construction, should the reserve parking area be built in the future.
4. Location of any underground storage tanks for fuel or other chemical storage, including the tank types, capacities, and condition.
5. Location and type of existing and proposed water services to serve the facility (including abandoned wells). If the site is to utilize an on-site well, its proposed location must be shown in addition to its setbacks from any BUILDING, STRUCTURE, or sewage disposal system.
6. All fire hydrants on the site or off the site but within 500' of the principal BUILDING on the site. If no fire hydrants are located within 500' of the principal BUILDING on the site, then a note shall appear clearly explaining how the APPLICANT will provide fire protection to the site. The location of any proposed municipal fire alarm boxes or other warning systems and any proposed fire lanes shall be clearly shown and identified. Any underground conduit for municipal fire alarm connections shall be shown.
7. The location and type of any other underground utilities including but not limited to electric, gas, telephone, or cable television services. Any emergency power facilities should also be shown.
8. Location and perimeter outline of any on-site or off-site, existing or proposed wastewater treatment and disposal system including any required reserve areas.

The type of the wastewater disposal system shall be identified by a simple notation. Actual design and construction specifications for a wastewater disposal system are not required. The proposed location of sewer lines must be shown.

#### 3.24.10 Waste Disposal Facilities

1. Type and location of any solid waste disposal facilities. Dumpsters shall be screened with a stockade fence.
2. Perimeter outline of any existing or proposed on-site sewage disposal systems, including any required reserve areas. The type of sewage disposal system shall be identified by a simple notation. Actual design and construction specifications for a sewage disposal system are not required. However, the proposed location of the sewer main running from the BUILDING to the sewage disposal system must be shown. If a sewage system other than an on-site sewage disposal system is to be used, the location of any sewer main to be installed on the property in question must be shown and adequate capacity at the off-site system demonstrated. If the proposed development includes the construction of a sewage treatment plant, then the location of the plant and the sewer main to serve the facility in question must be shown.

#### 3.24.11 A Land USE Plan for OPEN LAND showing:

1. Detailed USE description of the OPEN LAND.
2. The percentage and area of OPEN LAND to be left undeveloped,
3. All proposed improvements to be located on the OPEN LAND including but not limited to BUILDINGS, STRUCTURES, sidewalks, walkways, trails, swimming pools, tennis courts, playgrounds and other recreational facilities, driveways and parking areas, utilities and drainage structures, showing all dimensions and supporting calculations necessary to determine compliance

#### 3.24.12 Construction Details

1. Typical detail of a proposed catch basin, diversion box, emergency slide gate, manhole, headwall, retaining wall, walkway, subdrain, waterway, leaching basin, drainage pond, or other similar structure, if any. In the Water Resource Protection District, catchbasins must be precast concrete with gas traps (Lebaron I-219, Neenah 3705, or MassHighway equivalent). Precast catch basins must show gas traps and construction joints sealed with a minimum of 1" butyl-rubber gastight sealant or equivalent caulking material.
2. Typical detail of each type of parking space to be used on the site showing the dimensions of the "Parking Stall Length of Line" and the "Width of the Parking Stall" so that compliance with parking area design standards of the BYLAW is evident.
3. Traffic control details, including a construction traffic management plan detailing trucking routes, temporary signage and other practices designed to mitigate traffic issues during construction. Traffic control details, including a construction traffic management plan detailing trucking routes, temporary signage and other practices designed to mitigate traffic issues during construction.

#### 3.24.13 Energy Efficiency Plan

Narrative describing energy efficiency measures to comply with Section 5.4.17(k) of the Zoning Bylaw, including any proposed energy efficiency packages or upgrades offered

to buyers. At a minimum, garages shall be wired to accommodate 240-volt, 50-Amp ("Level 2") electric vehicle charging stations.

- 3.24.14 Phasing - If the project is to be built in phases, a plan or series of plans showing specific limits of construction for each phase and detailing the work to be accomplished in each phase shall be provided. Interim curbing and landscaping shall be shown as needed between phases.

### **3.25 ACTIVE ADULT NEIGHBORHOOD Design Standards**

#### **3.25.1 Architectural Plans**

Architectural Plans sufficient to show compliance with Section 5.4.11 of the Zoning Bylaw shall be provided to the Board.

Floor Plan must be shown for each floor of each BUILDING, whether such BUILDING is existing or proposed, so that compliance with the BUILDING square footage in Section 5.4 of the BYLAW and the parking requirements in Section 7 of the BYLAW may be discerned. Each Floor Plan must identify the proposed USE or USES to be conducted on the floor in question. Each Floor Plan must be dimensioned to show the GROSS and NET FLOOR AREA. The Floor Plan shall be drawn at a scale of  $\frac{1}{4}" = 1'$ .

- 3.25.2 BUILDING Elevations - The front, sides, and rear elevations of each BUILDING shall be shown at an appropriate scale generally not less than  $\frac{1}{8}" = 1'$  elevation plans for all BUILDINGS and DWELLING UNITS at an appropriate scale generally not less than  $\frac{1}{8}" = 1'$ , prepared by a Registered Architect. If BUILDINGS and DWELLING UNITS will be constructed repetitively, a typical floor and elevations plan shall suffice.

- 3.25.3 PLAN NOTES shall be provided that: 1) forbid the use of fill containing hazardous materials as required by the BYLAW, 2) require the marking of the limits of work in the field prior to the start of construction or site clearing, 3) require the cleaning of catchbasin sumps and stormwater basins following construction and annually thereafter, 4) restrict the hauling of earth to or from the site to weekdays between the hours of 9:00 a.m. to 4:00 p.m. 5) describe the materials to be used in the construction of impermeable surfaces such as sidewalks and driveways (as a minimum, the BOARD requires 12" of gravel and 3" of bituminous concrete paving laid in two courses).

### **3.26 COTTAGE DWELLING Design Standards**

#### **3.26.1 COTTAGE DWELLING Site Standards**

Plans for COTTAGE DWELLINGS and associated COTTAGE DWELLING COMMON AREAs shall be provided in conformance with these Rules and Regulations for ACTIVE ADULT NEIGHBORHOODs. The following site standards shall be met:

- a. To maintain functional COTTAGE DWELLING COMMON AREAs, COTTAGE DWELLINGS shall not be located on sites where the average slope exceeds ten (10) percent;
- b. COTTAGE DWELLING COMMON AREAs shall have DWELLING UNITS abutting at least two (2) sides;

- c. Each COTTAGE DWELLING shall abut and face the COTTAGE DWELLING COMMON AREA without any obstruction, with the exception of existing or proposed trees and landscaped vegetation;
- d. The exclusive use area of COTTAGE DWELLINGS shall have similar linear distance of frontage on the COTTAGE DWELLING COMMON AREA to provide for equity in accessibility to the COTTAGE DWELLING COMMON AREA to the extent practicable;
- e. Each COTTAGE DWELLING unit shall include an area of private outdoor space or exclusive use, totaling at least 400 sf per unit. Private patios and courtyards may be included in the required space.
- f. Fencing and Screening may be used to delineate private yards, screen parking areas and structures, refuse and recycling areas, and unit walls. However, fencing for screening purposes shall not be placed between COTTAGE DWELLING and the shared COTTAGE DWELLING COMMON AREA and the proposed Homeowners Association documents shall include language prohibiting the use of fencing as a privacy screen between the COTTAGE DWELLING and COTTAGE DWELLING COMMON AREA.

### 3.26.2 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. The following standards shall apply to COTTAGE DWELLINGS:

- a. COTTAGE DWELLINGS shall be a maximum of 1.5 stories, with all upper floor living spaces contained within the roof structure;
- b. Each COTTAGE DWELLING shall have a primary entry and covered porch a minimum of eighty (80) square feet in size, oriented toward the COTTAGE DWELLING COMMON AREA. If the dwelling unit abuts a public right of way, this may be a secondary entrance, and the minimum porch size shall be fifty (50) square feet. If not abutting a public right of way, this shall be the primary entrance, and the minimum porch size shall be eighty (80) square feet. Covered porches shall be a minimum of six (6) feet deep. The Planning Board may permit different porch dimensions if it can be demonstrated that such design will enhance the overall COTTAGE DWELLING site plan.

### 3.26.3 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 shall be no less than 5000 square feet regardless of the number of units;
- b. For each COTTAGE DWELLING proposed, 1000 square feet of COTTAGE DWELLING COMMON AREA shall be provided. The Planning Board may allow for an alteration in the size of the COTTAGE DWELLING COMMON AREA, provided such alteration is not detrimental to the required pedestrian network and/or where such alteration will improve the design of the required OPEN LAND in the AAN.

### 3.26.4 Access and Parking for COTTAGE DWELLINGS

- a. Two (2) resident parking spaces per COTTAGE DWELLING shall be provided. The spaces may exist within a garage or on a paved driveway where no garage is present.
- b. There shall be no less than twenty (20') feet from the curb of the ALLEY or access road to the garage door to eliminate the possibility of outdoor parked vehicles hanging over the curbline. On street parking in the alley shall not be permitted. Homeowners Association documents shall include language prohibiting on-street parking in the alley.
- c. An additional twenty (20) percent of total required spaces in the COTTAGE DWELLING neighborhood shall be designated for visitors. Visitor parking shall be dispersed throughout the neighborhood to provide for relatively equal access to visitor parking for all COTTAGE DWELLINGS in the development. Clusters of visitor parking spaces shall be limited to three (3) spaces and shall be designed in accordance with the Standard Parking Dimensional Standards in Section 7.5 of the Zoning Bylaw.
- d. Shared resident surface parking for COTTAGE DWELLINGS is allowed provided such parking areas are located to minimize their visual presence, are screened from nearby streets and adjacent residential DWELLINGS with a landscape buffer and provides adequate access to the COTTAGE DWELLING COMMON AREA and associated COTTAGE DWELLING entrances. The number of shared resident surface parking spaces shall correspond to an equal reduction in garage parking spaces in the COTTAGE DWELLING neighborhood. Units without garages shall be arranged in proximity to the corresponding shared resident surface parking area to the extent practicable.
- e. Shared resident surface parking areas for COTTAGE DWELLINGS may not be located in clusters of more than four (4) spaces. Storage of items that preclude the use of parking by vehicles is prohibited.
- f. The Planning Board may allow for an alteration in the number and arrangement of parking spaces required in COTTAGE DWELLING neighborhood, provided such alteration will improve the design of the required OPEN LAND in the AAN and/or reduce detrimental impacts to abutting uses.

### 3.26.5 COTTAGE DWELLING Garage Standards

- a. Each COTTAGE DWELLING unit shall have no more than one attached or detached garage, provided the specific design characteristics of the garage are in keeping with the design intent of the COTTAGE DWELLING units. The garage shall be sized to house no more than two vehicles, while providing enough space to allow for wheelchair accessibility to at least one stored vehicle.
- b. COTTAGE DWELLING garages shall be limited to one story. No living space or future living area conversions shall be allowed in the garage.
- c. Garages may be combined into one garage structure to share between units; however, no garage structure may exceed the size required to house two (2) vehicles with accessibility as defined in subsection 5.4.
- d. Single vehicle and shared garages shall have a design similar and compatible to that of the COTTAGE DWELLING units within the development, and shall be located to the side or rear of the COTTAGE DWELLING. Shared garages shall be accessible from each COTTAGE DWELLING, without leaving the unit's area of corresponding exclusive use.
- e. At a minimum, garages shall be wired to accommodate 240-volt, 50-Amp ("Level 2") electric vehicle charging stations.

### **3.27 Indoor Community Facilities**

Indoor Community Facilities shall be designed in accordance with the architectural goals expressed in Section 5.4.11 of the Zoning Bylaw and the Plan requirements of Section 3.25 of these Rules and Regulations. Where two AAN developments abut one another along a common boundary, and are integrated in terms of overall site plan, circulation and architectural design, the Planning Board may allow a single indoor community facility shared between the two developments, provided it conforms to the occupancy requirements of Section 3.27.2 of these Rules.

#### **3.27.1 Accessibility**

Indoor Community Facilities shall be located within the developable area of the AAN Site Plan and shall be sited to maximize accessibility from various neighborhoods within the AAN. Such facilities shall be further sited to provide access to portions of the OPEN LAND as practicable.

1. The Planning Board may consider locations that are not central to the overall AAN if such location provides enhanced access to shared community spaces or is sited in a manner that is more accessible to various modes of transportation.
2. Pedestrian and bike accommodations shall be provided at an Indoor Community Facility, including the use of trail and sidewalk connections, bike paths, accessible overlooks, and bike racks for storage.
3. Indoor Community Facilities shall be designed to be accessible by public transit operations, including but not limited to Council on Aging vans, school buses, potential future bus transit service and ride sharing services. Acceptable infrastructure includes but is not limited to dedicated parking areas or curb bump-outs, bus shelters and/or signage indicating a pickup and drop-off location.

#### **3.27.2 Occupancy**

Indoor Community Facilities shall be designed to provide ample space for larger gatherings, while maintaining a variety of smaller spaces adequate for a subset of smaller groups of residents. Indoor Community Facilities shall have a minimum occupancy equal to the number of bedrooms in the AAN. The Planning Board may allow, or in some cases encourage, a reduction in the minimum occupancy where some combination of the following criteria can be met:

- The INDOOR COMMUNITY FACILITY includes multiple rooms and spaces, including but not limited to community kitchens, libraries, play rooms, craft spaces, workshops, and/or lounges, together with an event hall / function room space designed for an occupancy equal to the number of units in the development;
- There is sufficient attached outdoor spaces, such as patios, pools, decks, and courtyards;

#### **3.27.3 Parking**

The number of parking spaces provided for an INDOOR COMMUNITY FACILITY shall be equal to 20% of the total number of units being served by the facility. The Planning Board may alter the number of required spaces where the Applicant can provide:



- sufficient market research based upon the target demographic and/or similar development examples to justify the change in parking requirements;
- plans showing increased use of stormwater best management practices to manage drainage flows in a way that complements the aesthetic of the facility; and/or
- creative bike and pedestrian planning that provides ADA accessible trails, paths or sidewalks, in a manner that is accessible to a broad range of residents in the neighborhood.

#### 3.27.4 Accessory Buildings

The Planning Board may permit additional Accessory Buildings to the Indoor Community Facility, provided that such structures enhance the community functionality and use of the facility and are positioned to provide access to the OPEN LAND or other recreation resources. Accessory Buildings may include but not be limited to arbors, gazebos, pavilions, sheds and/or swimming pools and associated structures incidental to their maintenance.

Accessory Buildings meant to house equipment, including generators, public water supply infrastructure, or other tools and supplies, shall be appropriately sited and screened to minimize visual impact of the OPEN LAND and to nearby DWELLINGS.

#### 3.27.5 Signage

Proposed signage shall comply with Section 6.3.3.1 of the Zoning Bylaw. The Planning Board prefers the installation of signage that is in keeping with the rural and historical character of Stow, including hanging signs, and those made of natural materials.

### 3.28 Homeowners Association Standards

#### 3.28.1 An AAN shall be governed by one (1) Homeowners Association (HOA).

The Planning Board may permit additional HOMEOWNERS ASSOCIATIONS within the same AAN where the additional HOMEOWNERS ASSOCIATION will address the specific management of a COTTAGE DWELLING COMMON AREA by the COTTAGE DWELLINGS associated with said space.

#### 3.28.2 The Applicant shall include residents as non-voting HOMEOWNERS ASSOCIATION Board members input in the HOA to take effect no later than when 25% of occupancy permits have been issued.

#### 3.27.3 An HOA governing the AAN shall not restrict tenants from air drying clothing via outdoor clotheslines.

#### 3.27.4 An HOA shall not restrict the parking of vehicles in driveways.

### 3.29 Additional Information

The APPLICATION may contain additional information the APPLICANT feels is necessary to properly inform the BOARD about the development including legal opinions, copies of deeds, historical data, studies, and reports.

The BOARD is empowered by the BYLAW to require information in addition to that specifically required by the BYLAW or by these RULES. The BOARD will require the APPLICANT to supply additional information if it finds that such information is necessary to properly act upon the APPLICATION in question.

## **SECTION 4**

### **FILING PROCEDURES**

#### **4.1 Who may file an APPLICATION?**

Anyone may file an APPLICATION for a PERMIT, provided that the property owner of record has signed the APPLICATION form, thereby granting his/her consent to the filing of the APPLICATION.

#### **4.2 APPLICATION Fees**

Any APPLICATION shall be accompanied by a fee to cover the expenses incurred by the TOWN in reviewing the APPLICATION. The fee is not refundable. The fee shall be submitted in check form and made payable to the "Town of Stow". If the AAN requires approval under the Subdivision Control Law as set forth in the Town of Stow Subdivision Rules and Regulations, the filing fee for preliminary and definitive plans shall apply. If the AAN does not require approval under the Subdivision Control Law, the fee shall be \$2,500.00. Part of the filing fee may be waived, if the BOARD chooses to have some of the review work performed by outside consultants, as provided below.

4.2.1 Additional Review Fee Deposits - So that the BOARD may make the findings required under the BYLAW and insure that the public safety and interests will be protected, the BOARD may select and hire outside traffic, engineering, legal, financial, or planning consultants to review an APPLICATION. To cover the cost of these reviews, a review fee deposit may also be required of an APPLICANT at the time of submission or at any appropriate time in the review process. As the scope of study and review will vary according to the size of a particular project, the APPLICANT is hereby strongly advised to consult the Planning Board Office concerning the scope and cost of any such studies during the preliminary review. Failure to do so could result in serious delays in the processing of the APPLICATION. The amount of the fee deposit will reflect the anticipated consultant fee(s) plus 10%. Note that some projects may require additional fees to cover further study, if significant impacts or problems are found in the initial review. Any amount of the deposits remaining after the issuance of building permits for the proposed construction, plus any remaining accrued interest will be repaid to the APPLICANT or the APPLICANT's successor in interest.

4.2.2 Appeal From the Selection of the Consultants - The APPLICANT may appeal from the selection of an outside review consultant to the Board of Selectmen. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field. The APPLICANT must specify the specific grounds, which the APPLICANT claims constitute a conflict of interest or a failure to meet minimum professional requirements.

#### **4.3 Submission to the TOWN Clerk and the BOARD**

Two complete copies of the APPLICATION shall be submitted to the office of the Stow Town Clerk. The Clerk will certify the date and time of filing on both copies, keep one of the copies, and return the other to the APPLICANT. The copy returned by the Clerk and the remaining thirteen (13) copies of the APPLICATION, the nine (9) reduced size plan copies, and the required fees shall then be filed forthwith by the APPLICANT with the office of the BOARD during normal business hours. The APPLICANT may request and shall be entitled to a written receipt for the materials submitted.

4.3.1 Information submitted after the initial filing of the APPLICATION, as described above, will not be accepted, except at the public hearing. If significant information that was not included in the APPLICATION is presented at the public hearing, the hearing may be continued to allow for staff review of the new material. At least seven (7) copies of any additional materials submitted at the hearing shall be given by the APPLICANT to the Clerk of the BOARD at the hearing.

4.3.2 Questions concerning this process should be directed to the Planning Board Office.

#### **4.4 Review of APPLICATION**

The BOARD will transmit a copy of an APPLICATION to various other TOWN departments, boards, committees, agencies, or independent consultants in order to ensure full and qualified review of the APPLICATION. Thirty-five (35) days will be provided for such reviews. Failure to submit comments on the APPLICATION shall be deemed an approval by the reviewing party. The BOARD will make available to the APPLICANT upon request a copy of any comments or recommendations received.

## **SECTION 5**

### **PUBLIC HEARING and DECISION**

#### **5.1 Public Hearing Notice**

The BOARD shall set the date, time, and place of the public hearing, which shall be held within sixty-five (65) days of the APPLICATION filing date.

- 5.1.1 A notice of the hearing indicating the date, time, place, and purpose of the hearing shall be sent certified mail by the APPLICANT to the PARTIES IN INTEREST at least fourteen (14) days prior to the date of the public hearing. Such notice must contain, at a minimum, the information presented in the sample legal notice that is attached to these RULES.
- 5.1.2 A notice of the hearing shall also be published by the APPLICANT in the "Maynard/Stow Beacon" newspaper or other newspaper designated by the BOARD once in each of two successive weeks, the first publication to be not less than fourteen (14) days before the day of the hearing. The contents of this published notice shall be as above for the PARTIES IN INTEREST except that the information in the last six (6) paragraphs of the sample legal notice need not be included.
- 5.1.3 The APPLICANT shall present to the office of the BOARD, one business day prior to the start of the public hearing, the certified mail receipts as evidence that all PARTIES IN INTEREST have been notified as required by law.
- 5.1.4 Failure to properly notify PARTIES IN INTEREST could render the public hearing invalid and could cause serious delays in the processing of the APPLICATION.

#### **5.2 Public Hearing Presentation**

An APPLICANT may appear on his/her own behalf or be represented by an agent or attorney. It is the responsibility of the APPLICANT or his/her agent to present the APPLICATION to the BOARD and to the public. In the absence of an appearance, the BOARD may decide the matter using the information it has received. Failure to appear at a public hearing could seriously jeopardize the success of an APPLICATION.

- 5.2.1 Presentation of the APPLICATION by the APPLICANT should not exceed ten (10) minutes in duration except for good reason. The APPLICANT may be requested to answer questions raised by the BOARD or the public.
- 5.2.2 The BOARD will retain any evidence, which has been introduced at the hearing for reference in its deliberations on the case.
- 5.2.3 In no case will the BOARD allow new evidence to be admitted after the close of the public hearing unless this evidence was specifically requested by the BOARD prior to the close of the public hearing.

#### **5.3 Withdrawal of APPLICATION**

Any APPLICATION for a PERMIT, submitted hereunder, may be withdrawn without prejudice by notice in writing to the BOARD, prior to the notice of a public hearing being posted or mailed pursuant to Section 4.1 above. Withdrawal of any APPLICATION thereafter requires BOARD approval. No refund of fees will be provided if an APPLICATION is withdrawn.

#### **5.4 Time Period for Deliberation**

The BOARD will act on each APPLICATION for a PERMIT within ninety (90) days after the public hearing, unless such APPLICATION has been withdrawn from consideration as set forth in Section 5.3 above.

5.4.1 Continuation and Extension - The period within which final action shall be taken may be extended for a defined period by written agreement between the BOARD and the APPLICANT. In the event that the BOARD determines that the APPLICATION is inadequate for the BOARD to make a finding, the BOARD may, at its discretion, continue the hearing to a later date to permit the APPLICANT to submit a revised APPLICATION.

5.4.2 The BOARD may, at its discretion, require that an additional \$500.00 fee be paid by the APPLICANT prior to the close of the public hearing if such a continuation results from a deficiency in the original APPLICATION. Such a continuation may not automatically extend the ninety (90) day period within which final action shall be taken by the BOARD, unless the extension is agreed upon by both the BOARD and the APPLICANT.

#### **5.5 DECISION**

The concurring vote of four (4) of the five (5) members of the BOARD shall be necessary to decide in favor of granting a PERMIT. Only those members of the BOARD who were in attendance at the public hearing may vote on the APPLICATION in question.

5.5.1 The BOARD will file its DECISION with the Town Clerk and send a copy to the APPLICANT by certified mail. The BOARD shall also send a notice of its DECISION to the property owner, to other TOWN boards and departments, to PARTIES IN INTEREST, and to those who have requested such notice at the public hearing.

#### **5.6 Recording of DECISION**

The recording of a DECISION is required by THE ZONING ACT and the BYLAW. The APPLICANT shall be responsible for recording a full copy of the DECISION in the Middlesex South District Registry of Deeds in Cambridge or the Land Court and for paying any required recording fees. A copy of the recorded DECISION, certified by the Registry of Deeds, must be submitted to the BOARD and the Building Commissioner, prior to issuance of a Building Permit or the start of any work. The PERMIT is not effective unless recorded with the deed to the property.

#### **5.7 Submission of Final Approved Plans, Endorsement**

The approved plan, as amended by the BOARD in its DECISION of approval, shall be submitted for endorsement to the office of the BOARD, following the instructions for Endorsement and Recording of an Approved Plan in the Stow Subdivision Rules and Regulations whether the AAN is a Subdivision or not. Prior to the issuance of a Building Permit, five (5) copies of the approved and endorsed plans shall be submitted to the Building Commissioner.

#### **5.8 Appeal of DECISION**

Any person aggrieved by a DECISION of the BOARD, whether or not previously a party to the proceeding, may appeal such DECISION in accordance with MGL, Chapter 40A, Section 17, within twenty (20) days after the filing of the DECISION with the Office of the Town Clerk.

#### **5.9 Time Limit for PERMIT**

Any PERMIT granted by the BOARD shall lapse within two (2) years from the date of filing of the BOARD'S DECISION with the Office of the Town Clerk unless substantial USE or construction under the PERMIT has begun, except for good cause, or if the BOARD has

specified a shorter time period in the DECISION. A reasonable extension of said time may be granted by the BOARD where good cause is shown. Any request to the BOARD for such an extension of time must be submitted to the BOARD and a copy thereof to the Office of the Town Clerk at least thirty (30) days prior to the date when the PERMIT is due to lapse. Failure to submit such a request as prescribed above, shall be due cause for the BOARD to deny the requested time extension.

#### **5.10 Limitation of the DECISION**

The granting of a PERMIT constitutes approval only under the pertinent sections of the BYLAW. Other permits or approvals required by other governmental boards, agencies, or bodies having jurisdiction, such as the Board of Health and Conservation Commission shall not be assumed or implied. The BOARD may condition any PERMIT hereunder on satisfactory demonstration of compliance with the requirements of other governmental bodies having jurisdiction, prior to the start of any work on the site, the issuance of a Building Permit, or any other appropriate step in the development process. The APPLICANT is hereby encouraged to seek approvals and certificates of compliance from such other governmental bodies prior to or concurrently with the APPLICATION to the BOARD.

#### **5.11 Repetitive Petition**

Pursuant to MGL, Chapter 40, Section 16, no APPLICATION which has been unfavorably and finally acted upon by the BOARD, shall be acted favorably upon within two (2) years after the date of final unfavorable action, unless four members of the BOARD vote to find that specific and material changes in the conditions upon which the previous unfavorable action was based have occurred and describe such changes in the records of the BOARD'S proceedings, and all but one member of the BOARD consents to the consideration of the matter. Notice to PARTIES IN INTEREST shall be given by the APPLICANT of the time and place of the proceedings at which the question of consent will be considered.

#### **5.12 Amending an AAN Special PERMIT**

A previously granted PERMIT may be amended by written request to the BOARD or on the BOARD'S own motion. The BOARD shall determine whether any request for further alterations to a site constitutes a minor amendment or if such request should be considered a new APPLICATION requiring a public hearing. The BOARD may amend a PERMIT without a new public hearing provided it finds that the amendment is not significant to the public interest and is consistent with the purpose and intent of the BYLAW. Consultation with the Planning Board Office is recommended prior to the filing of any request to amend a PERMIT. The fee for minor amendments shall be \$250.00.

**APPLICATION FOR AN  
ACTIVE ADULT NEIGHBORHOOD SPECIAL PERMIT**

Refer to the "Rules and Regulations for Active Adult Neighborhood Special Permits" available from the Planning Board Office for details on the information and fees required for this APPLICATION. Contact the Planning Board Office at 978-897-5098 with any questions concerning the Rules. Incomplete applications may be denied.

Please type or print your APPLICATION.

1. Location and Street Address of Site \_\_\_\_\_  
\_\_\_\_\_  
Name of Proposed Development \_\_\_\_\_
2. Applicant's Name and Address \_\_\_\_\_  
Telephone \_\_\_\_\_  
\_\_\_\_\_ Telephone \_\_\_\_\_
3. Record Owner's Name & Address \_\_\_\_\_  
\_\_\_\_\_ Telephone \_\_\_\_\_
4. Zoning District(s) of Parcel(s) \_\_\_\_\_  
Town Property Map Sheet & Parcel Number(s) \_\_\_\_\_
5. Deed Book and Page number(s) or Land Court Certificate number(s):  
\_\_\_\_\_
6. a) Total Area of Development \_\_\_\_\_ acres  
b) Total Area of OPEN SPACE \_\_\_\_\_ acres  
c) Number of lots \_\_\_\_\_  
d) Number of units \_\_\_\_\_  
e) Number of affordable units \_\_\_\_\_.

The undersigned hereby apply to the Planning Board for a public hearing and an AAN Special Permit under Section 8.7 of the Zoning Bylaw.

The undersigned hereby certify that the information on this APPLICATION and plans submitted herewith is correct, and that the APPLICATION complies with all applicable provisions of Statutes, Regulations, and Bylaws to the best of his/her knowledge.

The above is subscribed to and executed by the undersigned under the penalties of perjury in accordance with Section 1-A of Chapter 268, General Laws of the Commonwealth of Massachusetts.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Petitioner

RECORD OWNER'S KNOWLEDGE AND CONSENT

I hereby assert that I have knowledge of and give my consent to the APPLICATION presented above.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Record Owner



## **STOW PLANNING BOARD**

### **NOTICE of PUBLIC HEARING**

In accordance with the provisions of Massachusetts General Laws, Chapter 40A, Section 9, the Stow Planning Board will hold a public hearing on \_\_\_\_\_, 200\_\_ at \_\_\_\_\_ P.M., in Room \_\_\_\_\_ of the Stow Town Building, 380 Great Rd., Stow, MA on the petition of \_\_\_\_\_ for approval of Active Adult Neighborhood Special Permit for the parcel located at \_\_\_\_\_ and shown on Town Property Map Sheet \_\_\_\_\_, Parcel \_\_\_\_\_.

## **FORM DIS**

### **DEVELOPMENT IMPACT STATEMENT**

The Development Impact Statement (DIS) is intended to serve as a guide to the applicant in formulating the development proposal, as well as a guide to the Board of Selectmen in its evaluation of the proposed development in the context of existing conditions and planning efforts by the Town. The DIS should be prepared as early in the development process as possible, even if certain aspects are unknown at that time. It is recommended that the various aspects of the DIS, together with a conceptual development plan, are discussed with the Planning Board staff as soon as possible, prior to the filing of an application for approval of a preliminary plan.

The DIS seeks to raise the broad range of issues generally associated with development plans in a form and in a language that is understandable to a layperson. It assesses development impacts, which could possibly be avoided or mitigated, if recognized early in the development process. Other portions of the DIS request information, which will help the Town, plan ahead and ensure adequate services in the future. It is the hope of the Planning Board that the use of the DIS, along with early consultations with the Planning Board staff and the applicant's continuing cooperation throughout the development process, will foster a development of excellent quality and design sensitive to Stow's natural and historic heritage and other community concerns.

The DIS shall be filed with an application for an Active Adult Neighborhood Special Permit. The DIS shall clearly and methodically assess the relationship of the proposed development to the natural, physical, and social environment. In preparing the DIS, professionals of the respective fields shall be consulted and a systematic, interdisciplinary approach shall be utilized, which will ensure the integrated use of the natural and social sciences and the environmental design arts in planning, designing and engineering of the proposed project.

## DEVELOPMENT IMPACT STATEMENT - AAN SPECIAL PERMITS

Please type or print information in blanks below.

1. Name of Proposed Development \_\_\_\_\_
2. Location \_\_\_\_\_
3. Name of Applicant(s) \_\_\_\_\_
4. Brief Description of the Proposed Project \_\_\_\_\_  
\_\_\_\_\_
5. Name of Individual Preparing this DIS \_\_\_\_\_  
Address \_\_\_\_\_ Business Telephone \_\_\_\_\_  
\_\_\_\_\_
6. Professional Credentials \_\_\_\_\_  
\_\_\_\_\_

### **A. Site Description**

7. Present permitted and actual land uses by percentage of the site.

<b><i>Uses</i></b>	<b><i>Percentage</i></b>
Industrial	
Commercial	
Residential	
Forest	
Agricultural	
Other (specify)	

8. Total acreage on the site: \_\_\_\_\_ acres.

<b>Approximate Acreage</b>	<b>At Present</b>	<b>After Completion</b>
Meadow or Brushland (non agriculture)		
Forested		
Agricultural (includes orchards, cropland, pasture)		
Wetland		
Water Surface Area		
Flood Plain		
Unvegetated (rock, earth, or fill)		
Roads, buildings and other impervious surfaces		
Other (indicate type)		

9. List the zoning districts in which the site is located and indicate the percentage of the site in each district. *Note: be sure to include overlay zoning districts.*

<b>District</b>	<b>Percentage</b>

10. Predominant soil type(s) on the site: \_\_\_\_\_

Soil drainage (Use the US Soil Conservation Service's definition)

<b>Soil Type</b>	<b>% of the Site</b>
Well drained	
Moderately well drained	
Poorly drained	

11. Are there bedrock outcroppings on the site? \_\_\_\_yes \_\_\_\_no

12. Approximate percentage of proposed site with slopes between:

<b>Slope</b>	<b>% of the Site</b>
0 - 10%	
10 - 15%	
greater than 15%	

13. What percentage of the site is located in the Water Resource Protection District? \_\_\_\_\_%

How close is the site to a public well? \_\_\_\_\_ feet

To a surface water body? \_\_\_\_\_ feet

Proximity to a public well? \_\_\_\_\_ feet

Proximity to a surface water body? \_\_\_\_\_ feet

14. Does the project site contain any species of plant or animal life that is identified as rare or endangered? (Consult with the Massachusetts National Heritage Program and the Stow Conservation Commission).

\_\_\_\_yes \_\_\_\_no

If yes, specify: \_\_\_\_\_  
\_\_\_\_\_

15. Are there any unusual or unique features on the site such as trees larger than 30 inches D.B.H., bogs, kettle ponds, eskers, drumlins, quarries, distinctive rock formation or granite bridges? \_\_\_\_yes \_\_\_\_no

If yes, specify: \_\_\_\_\_  
\_\_\_\_\_

16. Are there any established footpaths running through the site or railroad right of ways?

\_\_\_\_yes      \_\_\_\_no

If yes, specify: \_\_\_\_\_  
\_\_\_\_\_

17. Is the site presently used by the community or neighborhood as an open space or recreation area?      \_\_\_\_yes      \_\_\_\_no

Is the site adjacent to conservation land or a recreation area?      \_\_\_\_yes      \_\_\_\_no

If yes, specify: \_\_\_\_\_  
\_\_\_\_\_

18. Does the site include scenic views or will the proposed development cause any scenic vistas to be obstructed from view?      \_\_\_\_yes      \_\_\_\_no

If yes, specify: \_\_\_\_\_  
\_\_\_\_\_

19. Are there wetlands, lakes, ponds, streams, or rivers within or contiguous to the site?

\_\_\_\_yes      \_\_\_\_no

If yes, specify resources found on site or contiguous to site \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If yes, have the required permits been granted or applied for? Please list permits and status

\_\_\_\_\_  
\_\_\_\_\_

20. Is there any farmland or forestland on the site protected under Chapter 61A or 61B of the Massachusetts General Laws?      \_\_\_\_yes      \_\_\_\_no

If yes, specify: \_\_\_\_\_  
\_\_\_\_\_

21. Has the site ever been used for the disposal of hazardous waste? Has a 21E Study been conducted for the site?      \_\_\_\_yes      \_\_\_\_no

If yes, specify results: \_\_\_\_\_  
\_\_\_\_\_

22. Will the proposed activity require use and/or storage of hazardous materials, or generation of hazardous waste?      \_\_\_\_yes      \_\_\_\_no

If yes, specify \_\_\_\_\_  
\_\_\_\_\_

23. Does the project contain any buildings or sites of historic or archaeological significance?  
(Consult with the Stow Historic Commission or the Stow Historical Society.)

\_\_\_yes                      \_\_\_ no

If yes, please describe \_\_\_\_\_

24. Is the project contiguous to or does it contain a building in a local historic district or national register district?

\_\_\_yes                      \_\_\_ no

## **B. Circulation System**

26. What is the average weekday traffic and peak hour traffic volumes generated by the proposed subdivision?

Average weekday traffic	
Average peak hour volumes      morning	
Average peak hour volumes      evening	

27. Existing street(s) providing access to proposed subdivision:

Name \_\_\_\_\_ Town Classification \_\_\_\_\_

Name \_\_\_\_\_ Town Classification \_\_\_\_\_

28. Existing intersection(s): list intersections located within 1000 feet of any access to the proposed development:

Name of ways \_\_\_\_\_

29. Location of existing sidewalks within 1000 feet of the proposed site? \_\_\_\_\_

30. Location of proposed sidewalks and their connection to existing sidewalks:

\_\_\_\_\_

31. Are there parcels of undeveloped land adjacent to the proposed site? \_\_\_yes \_\_\_ no

Will access to these undeveloped parcels be provided within the proposed site?

\_\_\_yes                      \_\_\_ no

If yes, please describe \_\_\_\_\_

If no, please explain why \_\_\_\_\_

### **C. Utilities**

32. If dwelling units are to be constructed, what is the total number of bedrooms proposed?  
\_\_\_\_\_
33. If the proposed use of the site is nonresidential, what will the site be specifically used for and how many feet of Gross floor area will be constructed? \_\_\_\_\_
34. Storm Drainage
- a. Describe nature, location and surface water body receiving current surface water of the site: \_\_\_\_\_  
\_\_\_\_\_
  - b. Describe the proposed storm drainage system and how it will be altered by the proposed development: \_\_\_\_\_  
\_\_\_\_\_
  - c. Will a NPDS Permit be required?        \_\_\_yes        \_\_\_ no
  - d. Is the Site subject to the Stormwater Management Policy of the Department of Environmental Protection?        \_\_\_yes        \_\_\_no

35. Sewage Disposal - Describe nature of sewage disposal service proposed for the site.

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If a tertiary treatment facility is proposed, will it have any excess capacity?

\_\_\_yes        \_\_\_no

### **E. Municipal Services**

36. In the event of fire, estimate the response time of the fire department (consult with Fire Dept.)
37. Describe all municipal services required by the development including but not limited to transfer station, public health nursing, police, fire, other emergency services (ambulance, etc.).

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### **F. Measures to Mitigate Impacts**

Attach brief descriptions of the measures that will be taken to:

37. Prevent surface water contamination.
38. Prevent ground water contamination.
39. Maximize ground water recharge.

40. Prevent erosion and sedimentation.
41. Maintain slope stability.
42. Design the project to conserve energy.
43. Preserve wildlife habitat.
44. Preserve wetlands.
45. Ensure compatibility with the surrounding land uses.
46. Control peak runoff from the site so that the post-development rate of runoff will be no greater than the predevelopment rate of runoff for the 10-year storm event.
47. Preserve historically significant structures and features on the site.
48. To mitigate the impact of the traffic generated by the development.
49. To mitigate the impact on municipal services.

Please use layman's terms, where possible, while still being accurate and comprehensive. Where appropriate, graphics shall be used. List sources of data, reference materials, and methodology used to determine all conclusions. Use additional sheets as necessary.



## FISCAL IMPACT ANALYSIS

<b>FISCAL IMPACT ASSESSMENT for STOW, MASSACHUSETTS*</b>		
<i>For Impacts due to Commercial Development please fill in the following information</i>		
1	Market Value of Proposed Commercial Development	
2	Commercial Assessment Ratio for Tax Purposes (source: MASSDOR 1998)	100.00%
3	Commercial Tax Rate per \$1,000 * (source: Stow Treasurer)	\$_____
4	Total Tax Levy* (source: MASSDOR 1998)	\$_____00
5	Other Miscellaneous Revenue* (source: Stow Treasurer)	\$_____00
6	Appropriated Expenditures excluding schools* (source: Stow Treasurer)	\$_____00
7	Equalized Value of Commercial/Industrial Property*(source: Stow Treasurer)	\$_____00
8	Commercial share of Total Equalized Value*	_____%
9	Average Value of a home* (source: Stow Assessors)	\$_____00
10	Residential Tax Rate* (source: Stow Treasurer)	\$_____.
11	Capital Improvements Costs (As a result of this project, will expanded or new capital improvements be required?)	
11a	The # of years over which costs will be spread	30
11b	Finance Rate per Year (as a percent)	
11c	What percentage of capital costs is attributed to new development?	
<b>* figures should be updated annually</b>		

FISCAL IMPACT of COMMERCIAL DEVELOPMENT		
REVENUE from NEW COMMERCIAL DEVELOPMENT		
<b>A.</b>	<b>Revenue from Property Tax on Development</b>	
A-1.	Market Value of Development	
		multiplied by
A-2.	Assessment Ratio	100.00%
A-3.	Actual Assessed Value (consult Stow Assessors)	
		multiplied by
A-4.	Commercial Tax Rate /\$1000*	\$_____
<b>A-5.</b>	<b>Estimated Property Tax Revenue</b>	
<b>B.</b>	<b>Other Miscellaneous Revenue</b>	
B-1.	Miscellaneous Revenue* (source: Stow Treasurer)	\$_____
		multiplied by
B-2.	Commercial Proportion of Equalized Value (source: Stow Treasurer)	_____%
B-3.	Misc. Revenue from Commercial Use* (source: Stow Treasurer)	\$_____
		divided by
B-4.	Equalized Value of all Commercial Property*(source: Stow Treasurer)	\$_____
B-5.	Miscellaneous Revenue per \$1 in value*	\$_____
		multiplied by
B-6.	Value of new development	
<b>B-7.</b>	<b>Estimated Additional Miscellaneous Revenue</b>	
<b>C.</b>	<b>Total Direct Revenue from New Development</b>	
* figures should be updated annually		

<b>II</b>	<b>COSTS DUE to NEW COMMERCIAL DEVELOPMENT</b>	
<b>A.</b>	<b>Service Costs Due to Development</b> (Costs associated with Library, Health, Recreation, Police, Fire and Road Maintenance)	
A-1.	Town expenditures excluding Schools*(source: Stow Treasurer)	\$ _____
	multiplied by	
A-2.	Commercial portion of Equalized Value*	_____ %
A-3.	Service Costs due to Commercial use*(source: Stow Treasurer)	\$ _____
	divided by	
A-4.	Equalized Value of all Commercial Property*(source: Stow Treasurer)	\$ _____
A-5.	Service Cost per \$1 in value*	\$ _____
	multiplied by	
A-6.	Value of new development	
<b>A-7.</b>	<b>Town Service Costs for Commercial Development</b>	
<b>B</b>	<b>Capital Improvements Cost due to Development</b>	
B-1.	Total Costs due to Capital Improvements	
B-2.	The # of years that costs will be spread over	30
B-3.	Finance Rate per Year (as a percent)	
B-4.	Debt Service (principal + interest) per year	
B-5.	What is the percentage attributed to new development?	
<b>B-6.</b>	<b>Capital Improvement Costs due to Development</b>	
<b>C</b>	<b>Total Costs due to Development</b>	
* figures should be updated annually		

<b>III</b>	<b>Net Fiscal Impact Resulting from Development</b>	
<b>A</b>	<b>Total Revenue from Commercial Development</b>	
<b>B</b>	<b>Total Costs due to Commercial Development</b>	
<b>C</b>	<b>Net Fiscal Impact per Year</b>	

<b>IV</b>	<b>Change in Tax Rates due to New Development</b> (negative #s indicate a decrease in tax payments, thus a gain to homeowners)	
<b>A</b>	<b>Change in Town Tax Rate</b>	
A-1.	Total Tax Levy*	\$ _____
		divided by
A-2.	Tax Rate / thousand*	\$ _____
A-3.	Amount affecting Tax Rate by one dollar *	\$ _____
A-4.	Net Fiscal Gain	
		divided by
A-5.	Amount affecting Tax Rate by one dollar	\$ _____
<b>A-6.</b>	<b>Decrease (Increase) in Tax Rate</b>	
<b>B.</b>	<b>Impact on Average Homeowner</b>	
B-1.	Cost of Home*	\$ _____
B-2.	Tax Rate per 1000 <i>at Present</i> *	\$ _____
B-3.	Annual Tax Payment without Further Growth*	\$ _____
B-4.	Cost of Home*	\$ _____
B-5.	Tax Rate per 1000 after New Development*	\$ _____
B-6.	Annual Tax Payment after New Development*	
<b>B-7.</b>	<b>Total Yearly Savings (Loss) after New Development</b>	
* figures should be updated annually		

<b>IN SUMMARY</b>		
<b>A.</b>	<b>NET BENEFIT (LOSS) to the TOWN</b>	
<b>B.</b>	<b>DECREASE (INCREASE) in TAX RATE</b>	
<b>C.</b>	<b>TOTAL YEARLY SAVINGS (LOSS) to AVERAGE HOMEOWNER</b>	