

5.05 Mendon Age Restricted (AROD) Overlay District

1. Purpose

To promote mixed-use development which increases the availability of Over 55 housing alternatives to meet local needs, promotes walkable neighborhoods, takes advantage of compact design, fosters distinctive and attractive village settings, preserves critical environmental assets, including drinking water supply quality and quantity, surface and groundwater quality and quantity, wetlands preservation, air quality, and supports economic revitalization in Mendon.

- a. To provide additional planning flexibility for projects located in Mendon with regard to density and site design, while remaining consistent with the Mendon Design Guidelines where possible, environmental and public health regulations.
- b. To permit the use of new development standards which will promote the desired changes in Mendon.
- c. To encourage a diverse mix of commercial, office and residential uses for residents, workers, and visitors at an appropriate scale for the Town Center.
- d. To permit uses that promote expansion and conversion of existing buildings in a manner that maintains the prevailing development patterns, scale, architectural character, pedestrian orientation, and visual attributes of historic buildings and sites within the Town Center.
- e. To minimize functional conflicts between residential and nonresidential uses within the district and with abutting districts
- f. And to encourage vibrant public and publicly-oriented private open spaces that enhance the district by reinforcing pedestrian activity.

2. Definitions

Age Restricted Housing: A planned development of land consisting of multiple structures on a common lot constructed expressly for use and residency by persons who have achieved the minimum age requirement for residency of fifty-five (55) years or older, as permitted by M.G.L. Chapter 151B, Section 4, Subsection 6 (as amended), who are able to maintain an active, independent lifestyle without the help of additional on-site support services.

1. Not more than three (3) residents shall occupy any dwelling unit.
2. All occupants of a dwelling unit shall be age fifty-five (55) or older except as follows:
 - a. A spouse or cohabitating partner of an occupant age fifty-five (55) or older;
 - b. An occupant who survives his or her spouse or partner;
 - c. A spouse where the occupant has entered into a long-term care facility;
 - d. Not more than one child residing with his or her parent(s), provided said child is eighteen (18) years of age or older;

- e. A mentally or physically handicapped child, brother or sister of an occupant or spouse who is dependent upon said occupant or spouse for daily care and;
- f. A paid caregiver providing medical or health care to an occupant or spouse.

Low Impact Development: A technique that incorporates environmentally friendly land use planning through a range of techniques that preserve the natural hydrology of the land. Examples would be rain gardens, swales, shared driveways, driveways constructed of permeable paving, bio-retention, and alternative landscaping.

Mixed Use: A combination of Commercial and Residential uses, arranged vertically (in multiple stories of a structure) or horizontally (adjacent to one another in one or more buildings on a lot). Uses shall be limited to those allowed in the underlying Zoning District and those uses allowed in the Age Restricted Overlay District.

Priority Habitat: The geographic extent of Habitat for State-listed Endangered Species as delineated by the Massachusetts Division of Fisheries and Wildlife. If the proposed project falls in any area so designated, the applicant must file directly with the Natural Heritage and Endangered Species Program pursuant to 321 CMR 10.12.

Applicability:

The Age Restricted Overlay District (AROD) comprising the land as shown on Assessors Map 8, Lots 189-3 and 177-6 of the Town of Mendon, Massachusetts and numbered as 3 North Avenue and 6 Milford Street, as shown on the plan entitled "Town of Mendon Proposed Age Restricted Overlay District," dated March 12, 2021, a copy of which is on file in the office of the Town Clerk.

3. Allowed Uses by right within the AROD

Allowed Uses

- 1. Single family detached dwellings
- 2. Two family detached dwellings
- 3. Multi-family dwellings
- 4. There shall be no more than 2 bedrooms per unit.
- 5. Accessory uses customarily incidental and subordinate to the principal uses listed above, (i.e., recreational uses and community facilities such as parks, gardens, swimming pools, tennis courts, clubhouses and community buildings
- 6. Retail, professional office and business services serving residents of the Age Restricted Housing Community and the surrounding neighborhood, no other commercial or retail enterprise shall be allowed in the AROD.

4. Approval process

- a. **Concept Plan** — Prior to the application for Site Plan Approval and a building permit for a mixed-use project under the AROD, the applicant must file a Concept Plan Special Permit with the Planning Board for approval. The Concept Plan shall generally define the proposed character, uses, site layout, and public amenities of the proposed mixed-use project. The Planning Board shall determine whether the Concept Plan substantially conforms with the provisions of this By Law.

b. Concept Plan submittal requirements.

The applicant shall supply the Planning Board with Eight (8) copies of the Concept Plan Special Permit Application, and all supporting documents and plans, as are necessary to provide to other local boards, agencies, and officials, as designated in the Planning Board's rules and regulations for the AROD, for their review and comment. An application shall also include a detailed statement describing the project and how the project meets the purposes of the AROD. An application shall also include an anticipated build-out schedule, including near-term, mid-term and long-term phasing of the project.

The Concept Plan shall contain the following information:

- i) The existing and proposed topography of the land;
- ii) The location of existing landscape features, including forests, farm fields, meadows, wetlands, riverfront areas, water bodies, archeological and historic structures or points of interest, rock outcrops, stone walls, cliffs, high points, major land views, major tree groupings, noteworthy tree specimens, and habitats of endangered or threatened wildlife. Proposals for all features to be preserved, demolished or altered shall be noted on the Concept Plan;
- iii) The existing and proposed lines of streets, ways, common driveways, easements and any parcel of land intended for public use or to be reserved by deed or covenant for use by all property owners in the subdivision, or parcels of land to be used for any purpose, other than private residential, shall be so designated within the subdivision;
- iv) Proposed roadway grades;
- v) Soil percolation tests for the purpose of siting wastewater treatment shall be required as determined by the Planning Board, Board of Health, and Conservation Commission;
- vi) A storm water drainage system narrative prepared by a Massachusetts Certified Professional Engineer describing likely impacts on site and abutting parcels of land. For example, the narrative shall specify whether hard or soft (Low Impact Development) StormWater Management Techniques will be used and the number of detention/retention basins or infiltrating catch basins. Pacific pipe sizes. Any additional information in support of the project should be included in the narrative. The approximate location of any storm water management structures (i.e., detention and retention basins, water quality swales) shall be shown on the plan and accompanied by a conceptual plan. The Planning Board shall encourage the use of non-structural, Low Impact Development Storm Water Management Techniques where appropriate. Use of best management practices for Low Impact Development as defined by the Massachusetts Stormwater Handbook and included in the Mendon Zoning By Laws are strongly encouraged;
- vi) A narrative explanation of the proposed quality, quantity, use and ownership of the open space. Open space parcels shall be clearly shown on the plan. All proposed landscape and buffer areas should be noted on the plan and generally explained in a narrative;
- vii) A list of all legal documents necessary for implementation of the proposed development, including any Conservation Restrictions, land transfers, or condominium documents with an accompanying narrative explaining their general purpose and
- viii) The Planning Board may waive any requirements in order to achieve the purpose and intent of this By Law.

c. Design Process

Applicants are required to demonstrate to the Planning Board that the following design process was performed by a multidisciplinary team of which one member must be a certified Landscape Architect:

(i) **Identifying Conservation Areas:** First, identify and delineate Primary Conservation Areas such as wetlands, stream and riverfront areas, and flood plains regulated by state or federal law. The Potentially Developable Area should consist of land outside of these identified Primary Conservation Areas. In the case of Primary Habitat Area all necessary permits must be obtained prior to the issuance of a building permit.

(ii) **Locating Housing/Commercial/Retail Sites:** Locate the approximate sites of proposed housing and allowed commercial/retail locations within the Potentially Developable Area and shared amenities, so as to reflect an integrated community. House site shall be located in accordance with all applicable federal, state and local requirements.

(iii) **Aligning the Streets, Ways and Trails.** Align streets/ways in order to access the house lots or units. New trails should be laid out to create internal and external connections to existing streets, ways, sidewalks, and trails. Wetland crossings on land officially designated in the latest edition of the Massachusetts Natural Heritage Atlas as Priority Habitat for Rare Species and Estimated Habitat for Rare Wildlife and streets traversing existing slopes over fifteen percent (15%) shall be strongly discouraged.

A preliminary site development plan (signed by a registered architect or other licensed design/engineering professional) showing the approximate location and anticipated size of building footprint(s), general site grading with finish floor elevations, parking, landscaping, roads, walkways and accessways, open space, and wetlands.

A preliminary utilities plan showing the location of hydrants and wastewater facilities; the location and type of stormwater facilities; and the sources of water to be used on the site.

A preliminary lighting plan including a photometric plan and general information regarding light poles, bases and fixtures.

A preliminary signage plan for the mixed-use project.

A preliminary subdivision plan(s), if applicable.

A plan showing proposed buildings as to approximate location, proposed categories of uses, general architectural design, and anticipated size.

d. Design Standards

The following generic and site-specific design standards shall apply to all Concept Plans for the AROD and shall govern the development and design process. Each applicant under the AROD is strongly encouraged to utilize the Mendon "Design Guidelines Handbook" if adopted by the Mendon Planning Board under their Rules and Regulations. In addition, the following guidelines and regulations shall be adhered to where applicable:

i) Generic Design Standards:

1) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, surface water buffers, and natural drainage ways shall be treated as fixed determinants of road and lot configuration rather than as malleable elements that can be changed to follow a development scheme.

- 2) Streets/Ways shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel.
- 3) All open space shall be designed to add to the visual and ecosystem amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties, for stormwater mitigation, and enhancing ecological integrity.
- 4) The removal or disruption of historic, traditional or significant uses, structures or architectural elements shall be minimized insofar as practicable whether these exist on site or on adjacent properties.
- 5) Designs shall include Low Impact Development techniques when feasible.

e. Standards and Dimensional Requirements

- i. Minimum Tract Area*- 20 contiguous acres
- ii. Residential Density –The maximum number of units shall be limited by the more restrictive of the following factors: the number of full-sized parking spaces which could be provided and/or full compliance with the Board of Health, zoning, wastewater management regulations, or Conservation Commission WetlandsRegulations
- iii. Maximum number of residential units/projects – 200 units
- iv. Frontage - 100 feet

f. Parking

- a. A minimum of 1.5 spaces per residential unit shall be provided.
- b. A minimum of 1 space of visitor parking per three (3) residential units shall be required.
- c. No parking spaces or parking areas shall be located within the required minimum front, side or rear yard setback requirements for principal structures from property lines.
- d. No parking areas, parking lots or access drives shall be located within the minimum separation area between dedicated residential structures.
- e. Where feasible, all parking lots shall be screened from abutting properties and streets through the use of landscaped berms and evergreen shrubs and trees a minimum of four feet in height and five feet in width.
- f. Parking for retail, professional office and business services uses shall be in accordance with Section 2.03 Off-Street Parking/Loading of the Mendon Zoning By Law.

For any and all uses or structures not specifically provided for in the foregoing provisions, the parking design shall provide such parking spaces as the Planning Board shall determine to be necessary, considering the activities involved, to provide a maximum of safety and a minimum of congestion on the adjacent roadways.

g. Lighting

The lighting design within a mixed-use project should accommodate public safety and welfare, and protect the night sky from unnecessary ambient light. Any lighting plan submitted for a mixed-use project shall, comply with Section 4.02 (j) ii of the Mendon Zoning By Laws and include the following:

- i. integrated into the architectural style of the development designed to improve visibility, safety and a sense of security while minimizing energy use, operating costs, glare and light pollution
- ii. appropriately shielded and designed to minimize misdirected or excessive artificial light and glare from creating a nuisance to abutting properties and street
- iii. designed so building areas shall not be floodlit
- iv. designed so access drives, parking areas, walkways and other public areas shall be illuminated only by properly positioned, high-efficiency, "full cutoff shielded" lighting fixtures not higher than fifteen (20) feet in height.

h. Landscaping

Landscaped screening and buffering should create visual barriers between features of the mixed-use project from public streets and abutting properties. Such features shall include dumpsters and trash handling areas, mechanical equipment at ground level or rooftop, service entrances and utility facilities for building operation, loading docks and spaces, aboveground backflow preventers, and other components of the mixed-use project as may be reasonably determined by the Planning Board to require screening and buffering. A Landscaping Plan should include the following:

- a. A coordinated landscape design for the entire project area including landscaping of structures, parking areas, driveways and walkways, and buffer strips shall be submitted for approval by the Planning Board;
- b. Wherever possible, existing trees and vegetative cover shall be conserved and integrated into the landscape design;
- c. Proper maintenance of the landscaping, including the buffer strip, shall be the responsibility of the owner, and shall be a condition of conformance with the Zoning By Laws;
- d. Minimum landscaped/naturalized buffer along parcel property lines
- e. The landscaped buffer shall consist of the retention of natural vegetation supplemented with the planting of evergreen trees and shrubs;
- f. Additional buffering may be required in sensitive areas at the discretion of the Planning Board; and
- g. The Special Permit Granting Authority may modify or waive the buffering requirement where variations in topography, natural features and vegetation, or compatible land uses obviate the need for such a buffer.

i. Signage

All proposed signage within the AROD should comply with Section 2.06 of the Mendon Zoning By Laws and should also include the following:

- 1. The Planning Board may permit a sign to be permanently affixed at each entrance to the development which:
 - a. displays the project name;
 - b. displays the project's street number sufficient for identification by emergency services;
 - c. is designed to be compatible with the character of the development and the surrounding neighborhood;
 - d. shall not exceed twenty-four (24) square feet in size (for each sign);
 - e. shall not be more than five (5) feet in height; and

- f. may be illuminated with projected lighting, but shall not be backlit or internally illuminated.
- 2. The Planning Board may permit the naming of individual access drives. If so permitted, all access drives shall be posted with standard street signs and all drive names shall be approved by the Planning Board.
- 3. All access drives shall be posted with a standard street sign stating that this is a private drive.
- 4. All residential and commercial units must display street numbers.

j. Open Space Requirements

The applicant shall make every effort to preserve as much open space as possible. All dedicated open space must follow the open space requirements stated in Section 3.04 (h) of the Mendon Zoning By Laws.

k. Site Plan Approval

Upon approval of a Special Permit for an AROD Concept Plan, an applicant may apply for Site Plan Approval under Section 4.02 of the Mendon Zoning By Laws.

Site Plan Approval may be considered simultaneously with the Concept Plan Special Permit upon approval of the Planning Board.

Where Special Permits other than the Concept Plan Special Permit are sought under this By Law, such Special Permits may be applied for concurrently with, or at any time after, the application for the Concept Plan Special Permit. Any pending Special Permit applications shall be considered concurrently with the Concept Plan Special Permit application, and the site plan review application rather than sequentially, where doing so would promote efficiency and timeliness.

Any application for revisions or amendments to the Concept Plan Special Permit shall be submitted in writing to the Planning Board, which shall determine and notify the applicant in writing whether such revisions or amendments are minor or major.

If the Planning Board does not notify the applicant in writing within 30 days after such submittal that such revisions or amendments are minor, the revisions or amendments shall be deemed major. In the event that such revisions or amendments are deemed to be major by such failure of timely notification, the Planning Board may, at any time thereafter, determine and notify the applicant in writing that such revisions or amendments are minor in accordance with the provisions of this By Law.

Revisions or amendments proposing only changes that (i) do not significantly affect major exterior elements; (ii) do not significantly impact the public interest, as determined by the Planning Board in writing; and (iii) are consistent with the purposes of this Zoning By Law, shall be considered minor.

Revisions or amendments to the Concept Plan Special Permit may be made by the Planning Board in accordance with the same procedures as are applicable hereunder to the initial approval of the Concept Plan Special Permit, except that the submittal materials, together with an explanatory statement, shall be limited to those affected by the proposed revisions or amendments; and in the case of revisions or amendments that are minor, a public hearing in

accordance with the provisions of MGL Chapter 40A need not be held, and the final decision deadline shall be 45 days from the date of the complete application submittal.

Where Special Permits issued under this By Law allow modifications to project elements from those previously approved in the Concept Plan Special Permit, such Special Permits shall constitute revisions or amendments of the Concept Plan Special Permit to the extent of such allowed modified project elements, without the need for a separate application and approval of such modifications as revisions or amendments to the Concept Plan Special Permit.

5. Planning Board Waivers.

The Planning Board may grant waivers from the design or dimensional requirements of the AROD By Law upon finding that the applicant has shown good cause for requesting such waiver, and granting such waiver(s) will not derogate from the intent of this By Law or be detrimental or injurious to the public health, safety and welfare concerns that the regulations are intended to protect. Such waivers shall require a majority vote of the Planning Board.

If any provision of this By Law is held invalid by a court of competent jurisdiction, the remainder of the By Law shall not be affected thereby. The invalidity of any section or sections or parts of this By Law shall not affect the validity of the remainder of the Town's Zoning By Law.

* All individual/separate lots in the proposed AROD development, if under contiguous ownership, shall be considered as one lot for the purposes of this By Law