

**Section 5-75**

**AGE RESTRICTED HOUSING COMMUNITY**

**Passed by City Council 12-07-06**

**Section 5-75.1 – Purpose.** This ordinance is established by the City of Westfield to achieve the following public purposes:

- to encourage the development of affordable and market-rate housing for individuals aged fifty-five and over
- by allowing for a greater variety of building types at a higher density than would normally be allowed
- by allowing greater flexibility in site planning so as to promote the sound development of land which reduces residents' burdens of property maintenance and which reduces demands on municipal services
- to promote flexibility in land use planning in order to improve site layouts, protect natural features and environmental values and utilize land in harmony with neighboring properties.

**Section 5-75.2 Definition 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;
  - f. A paid caregiver providing medical or health care to an occupant or spouse.
3. The owner of the development shall publish and follow policies and procedures that demonstrate the intent to be housing for persons fifty-five (55) and older including federal Housing and Urban Development (HUD) rules for verification of occupancy.

**Section 5-75.3 Allowed Uses**

1. Single family detached dwellings
2. Two family detached dwellings
3. 3-4 unit multi-family dwellings
4. 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) but expressly excluding any commercial or retail enterprises.

**Section 5-75.4 Site Requirements**

1. Minimum Tract Area\*
  - Residential A            5 contiguous acres
  - Residential B            2 contiguous acres

\* Excludes: land under permanent water bodies (measured at the average high water mark) and bordering vegetated wetlands as defined under M.G.L. c. 40, Sec. 131 and certified by the Conservation Commission; land within public ways, and land within private ways and right-of-ways where the general public has the right of access by automotive vehicles; and land with a slope in excess of 33% (as determined by the city's Geographic Information System, or by a registered land surveyor's equivalent topographic plan).
2. Density
  - Residential A            3 units/acre\*
  - Residential B            4 units/acre\*

\* of Minimum Tract Area
3. Maximum number of units/project

- Residential A        60 units
  - Residential B        80 units
4. Frontage
- Residential A        125 feet
  - Residential B        100 feet

**Section 5-75.5 Building Requirements** - In order to achieve a development that reflects the residential character of the neighborhood in which it is located, the following minimum building and design standards shall be applied to all structures constructed in an Age Restricted Housing Community development.

1. Minimum Setbacks	Front	Side	Rear	Access Drive
- Residential A	50 feet	50 feet	50 feet	30 feet
- Residential B	50 feet	50 feet	50 feet	30 feet

2. Maximum Height (all permitted districts) - 2 stories/35 feet
3. No dwelling unit shall contain more than 2 bedrooms
4. The front facade of all structures shall be oriented either toward the access drive serving the premises, or the street frontage.
5. Building location and orientation shall reflect:
  - a. The character of the neighborhood or area that it is in;
  - b. Relationship to street line and to other buildings in the development if in close proximity, in order to protect privacy and create visual coherence;
  - c. Views, solar access and access to common open space in order to enhance occupant's interest;
  - d. Organization of large developments into recognizable subareas in order to provide scale and identity;
  - e. Avoidance of major topography changes and destruction of significant natural site features including removal of native trees or vegetation in order to preserve and protect the environment;
  - f. Reduction of visual intrusion into abutting properties in order to protect existing character to the extent practicable.
6. An architectural theme shall be carried out throughout the entire development. While it may feature varied facades, there shall be common or complimenting

architectural styles, building materials, color, exterior detailing, bulk and/or roof lines. Design characteristics and facade elevations shall be provided in the development application which shall require City Council approval.

7. All egress stairways are to be contained within the building structure proper.
8. No structure shall be greater than ten thousand (10,000<sup>sq</sup>) square feet in gross floor area. Gross floor area shall include attached garages but shall not include basements.
9. A minimum of twenty-five foot (25') separation between buildings shall be provided which shall be landscaped.
10. Garages, if provided, shall be attached to and made an integral part of the principal structure.
11. Community Facility. Unless waived by the City Council, the development shall establish a community room or facility for use by the residents. Such facility may provide community space for mail, indoor recreation, meetings, and other functions held by the residents.
12. Accessory structures shall comply with all setback requirements and shall be designed with architectural detailing of similar nature to the principal buildings located thereon.

#### **Section 5-75.6 Infrastructure and Utility Requirements**

1. General:
  - a. All access drives, pedestrian/biking facilities and all associated infrastructure and utility improvements shall be designed and constructed in accordance with the Rules and Regulations Governing the Subdivision of land in Westfield.
  - b. All access drives, pedestrian/biking facilities and all associated infrastructure and utility improvements shall be considered private, under the ownership and maintenance responsibility of the property owner and/or a homeowners association established pursuant to MGL, Chapter 183A, and shall not be owned or maintained by the City of Westfield.
2. Access Drives
  - a. All structures located within an Age Restricted Housing Community shall be accessed by the proposed private access drive. Direct access to any proposed structure from an existing public or private street shall be prohibited.

### 3. Parking

- a. A minimum of two off-street parking spaces shall be provided per unit.
- b. A minimum of two parking spaces shall be provided for postal delivery accessory structures.
- 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 structures.
- e. 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.

### 4. Sewer/Water

- a. All dwelling units shall be serviced by a public water supply deemed adequate for fire protection and domestic use.
- b. All dwelling units shall be connected to the public sewer system. All systems shall comply with all local, state and federal requirements.

### 5. Outdoor Lighting - All outdoor lighting in the development shall be:

- a. 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
- b. appropriately shielded and designed to minimize misdirected or excessive artificial light and glare from creating a nuisance to abutting properties and street
- c. designed so building areas shall not be floodlit
- d. 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 (15) feet in height.

## **Section 5-75.7 Landscape Buffers, Common Open Space and Natural Resources**

### 1. Landscaped Buffers

- 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 City Council.

- 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 Bylaws.
- d. Minimum landscaped/naturalized buffer along property lines:
  - Residential A 15 feet
  - Residential B 15 feet
- 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 City Council.
- g. A 6 foot high, five foot deep landscaped buffer shall be planted along the abutting road where the rear yard of the units abut the road sufficient to screen the rear yard areas from the road.
- h. The City Council 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.

2. Common Open Space

- a. All land within the Age Restricted Housing Community which is not covered by buildings, drives, driveways, parking areas or other development, or which is not set aside as private yards, patios or gardens for the residents, shall be common open space. The area of the common open space shall equal at least thirty percent 30% of the total Tract Area of the Age Restricted Housing Community. Such land shall have a shape, dimension, character and location suitable to assure its use for park, recreation, conservation or agricultural purposes by all the residents of the development.
- b. Such Open Space shall retain those natural features of the site most worthy of preservation in their natural state, and which connect with existing or potential conservation or open space areas on adjacent parcels.
- c. A maintenance plan shall be implemented to ensure the long-term protection of open space areas.
- d. All significant features such as trees of over 12" Diameter Breast High (DBH), identified Heritage features, water courses, one hundred year flood

plains, wetlands, ponds and other waterbodies, marshes, stone walls, scenic points, and historic sites are encouraged to be preserved in the following manner:

- i. Stone walls should be preserved by locating property boundaries along the existing line of the walls.
  - ii. Scenic points as identified in the Massachusetts Landscape Inventory and historic sites identified by the Massachusetts Historical Commission should be preserved by incorporating them within open space or recreational areas.
  - iii. Trees greater than 12" DBH in size should be preserved, if reasonably possible, by retaining natural grades and locating houses to minimize tree removal.
  - iv. Wetlands and waterbodies should be incorporated into nature trails and other passive recreational uses.
- e. Suitable and usable outdoor recreational area or areas shall be provided for the use of tenants. At least 1,000 square feet per dwelling unit must be usable open space for active and passive recreation (this amount may be included in the thirty percent (30%) common open space requirement set forth above). Usable open space may be defined to include land for community gardens, hiking/jogging paths, tennis courts, swimming pools or similar facilities.
  - f. Further subdivision of common open land or its use for other than recreation, conservation, or agriculture, except for easements for underground utilities shall be prohibited.
  - g. Provision shall be made so that the common open space shall be owned in common and readily accessible to the owners and residents of all units in the development or by membership corporation, trust or association whose members are the owners and residents of the units, in all cases the common open space shall be subject to a perpetual restriction running to or enforceable by the City which shall be recorded in respect to such land. Such restriction shall be in such form and substance as the City Council shall prescribe, and may contain such additional restrictions on development as the City Council may deem appropriate.

#### **Section 5-75.8 Signage/Project Identification**

1. As a condition of its approval, the City Council may permit, to be permanently affixed at each entrance to the development, a sign 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
  - f. may be illuminated with projected lighting, but it shall not be backlit or internally illuminated.
2. The City Council 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 City Council.
  3. All access drives shall be posted with a standard street sign (colored blue) stating that this is a private drive,
  4. Dwelling units shall be assigned street numbers as assigned by the City Engineer's Office.

**Section 5-75.9 Community/Unit Owner's Association** - An owners' association shall be established requiring membership of each unit owner in the Age Restricted Housing Community. The association shall be responsible for the ownership, liability and maintenance of the Age Restricted Housing Community including all properties, access drives, pedestrian/biking facilities and all associated infrastructure and utility improvements and facilities.

1. All association agreements/covenants and documents shall be submitted with the application, and are subject to the approval of the City Council, and shall become a part of any Special Permit/Site Plan approvals granted.
2. Such agreements/covenants shall provide that in the event that the association fails to maintain the common facilities in reasonable order and condition in accordance with the agreement/covenant, the City may, after notice to the association and public hearing, enter upon such land and maintain it in order to preserve the taxable value of the properties within the development and to prevent the common land from becoming a public nuisance. The agreements/covenants shall also provide that the cost of such maintenance by the City shall be assessed ratably against the properties within the development.

**Section 5-75.10 Submission Requirements** – In addition to the materials required for a standard Special Permit and Site Plan Approval Application, the following shall also be submitted:

1. All community unit/owner association agreements/covenants and documents;

2. A Development Statement listing the development team, setting forth the development concept including in tabular form the number of units, type, size (number of bedrooms, amount of living space, gross floor area), ground coverage and summary showing the area of residential development and common open space as percentage of the total area;
3. A Development Site Plan of the entire tract in accordance with the requirements of this section and meeting, to the extent applicable the requirements set forth for a definitive plan in the Westfield Subdivision Rules and Regulations;
4. Architectural rendering of the site plans and typical structures including floor plans and facade elevations;
5. A traffic study performed by a Professional Engineer registered in the Commonwealth of Massachusetts. It may include, at the discretion of the City Council, analysis of existing and proposed traffic conditions, driveway design, traffic signal warrant analysis, parking lot size and layout recommendations, a description of impacts on local and regional traffic due to the development, including an area and for a build-out time period as prescribed by the City Council. Depending on the location of the proposed curb cut, existing traffic characteristics and the volume of traffic generated by the proposal, a traffic signal may be warranted at the one or all points of access. Any traffic control devices to serve the development would be designed, funded, and constructed by the project proponent at the time of the initial development or by the “homeowners’ association” in the future. If, as a result of the traffic study, off-site traffic remediation is determined to be warranted, it shall be the responsibility of the project proponent. If the number of parking stalls required in the parking analysis exceed the number required in the City Code, the larger number shall be required;
6. An engineering report regarding the adequacy of sewage disposal, water supply and storm water drainage including the impact of the proposed design on the existing municipal utility infrastructure of the City;
7. Marketing and management information including unit selling prices, construction schedule, phasing schedule, and drafts of policies and procedures that demonstrate the intent to be housing for persons fifty-five (55) and older.
8. A Market and Feasibility Study conducted by, in the opinion of the City Council, a qualified professional documenting the need for the number of units proposed, and the economic viability of the project.

**Section 5-75.11 Approval Findings** – In addition to the standard Findings required for Special Permits and Site Plan Approval Applications, in approving an Age Restricted Housing Community the City Council must also find that such project:

1. is likely to result in a financially stable, soundly and attractively constructed and well managed and maintained project, and
2. conforms to the specific provisions of this Ordinance including the design guidelines of this section, and
3. provides for visual and noise buffering of the development to minimize impact to abutting properties, and
4. provides for the long-term preservation and maintenance of open space and recreation areas, and

**Section 5-75.12 Waivers** - The City Council may waive, reduce or increase the standards and requirements of Section 5-75.4, 5-75.5, 5-75.6, 5-75.7 and 5-75.8 of this Article where they specifically Find all of the following:

1. that there are compelling reasons of safety, aesthetics or site design issues, and
2. that it will result in an improved project in conformance with the purpose and intent of this Article, and
3. that it is in the best interest of the City