

ARTICLE _____. TO SEE IF THE TOWN MEETING WILL VOTE TO AMEND THE ZONING BY-LAW BY MAKING THE FOLLOWING CHANGES REGARDING THE NEW “TOWNHOUSE OVERLAY DISTRICT” AS FOLLOWS:

Item 1. Add “Townhouse Overlay District” to the list of districts in Section 2.3.

Item 2. Add the following new Section 9.7:

9.7 TOWNHOUSE OVERLAY DISTRICT (THOD)

9.7.1 Purpose. The purpose of the Townhouse Overlay District (THOD) is to promote a diversity of housing types in the Town, including smaller dwelling units for seniors and those starting a family.

9.7.2 Establishment. The THOD is an overlay district having a land area of approximately 60 +/- acres, being Assessor’s Map 09, Lots 47, 82 and 86; Map 10, Lots 001 and 004; and Map 16, Lot 077.

9.7.3 Overlay District. The THOD is an overlay district superimposed on the underlying zoning district(s). Except as limited herein, the underlying zoning shall remain in full force and effect. When the first building permit is issued for any Townhouse Development in accordance with the regulations of the THOD, the provisions of the district(s) underlying the particular THOD shall terminate and shall no longer be applicable to any land in the particular THOD.

9.7.4 Definitions. The following definitions shall apply in the THOD:

"Contiguous open space" shall mean open space suitable, in the opinion of the Planning Board, for the purposes set forth in Section 9.5.12, herein. Such open space may be separated by the road(s) constructed within the Townhouse Development. Contiguous open space shall not include required yards.

“Townhouse Development” shall mean a development awarded a special permit as set forth in this Section.

“Open Space” shall mean all areas not within the “Contiguous open space” area that are not covered by either buildings or pavement, such as required yards and common areas.

9.7.5 Parcel Minimum Size. In order to be eligible for inclusion in the THOD by Town Meeting, a parcel or set of contiguous parcels held in common ownership shall have at least 30 acres, and be located entirely within the Town.

9.7.6 Procedures. A Townhouse Development may be authorized upon the issuance of a special permit by the Planning Board. Applicants for a Townhouse Development shall file with the Planning Board seven (7) copies of the following:

1. A development plan conforming to the requirements for a preliminary plan as set forth in the Subdivision Rules and Regulations of the Planning Board.
2. Where wetland delineation is in doubt or dispute, the Planning Board may require appropriate documentation.
3. Data on proposed wastewater disposal, which shall be referred to a consulting engineer for review and recommendation.
4. A Traffic Impact and Access Study or report approved as to form by the Planning Board.
5. If the Development is to be phased, a phasing plan explaining the proposed sequence of construction, including infrastructure installation capable of serving the phase(s) as completed and available for occupancy.
6. The Planning Board may also require as part of the development plan any additional information necessary to make the determinations and assessments cited herein.

9.7.7 Lot Requirements. A Townhouse Development may be developed as a condominiums on a single lot. No dwellings shall be located less than 100 feet from neighboring dwellings.

9.7.8 Maximum Number of Dwelling Units. The Maximum Number of Dwelling Units allowed in a Townhouse Development shall not exceed one unit per 10,000 square feet of lot area.

9.7.9 Types of Buildings. The Townhouse Development shall consist of multifamily residential structures. A multifamily structure shall not contain more than four dwelling units. The Planning Board may waive this requirement to allow up to twelve (12) units per residential structure upon a determination that such design is appropriate for the neighborhood. The architecture of all multifamily buildings shall be residential in character, particularly providing gabled roofs, predominantly wood siding, an articulated footprint and varied facades. Residential structures shall be oriented toward the street serving the premises and not the required parking area.

9.7.10 Roads and Utilities. The principal roadway(s) serving the site shall be adequate for the intended use and vehicular traffic and shall be maintained by an association of unit owners or by a condominium association. Minimum travel width of principal roads shall be twenty four (24') feet. All electric, gas, telephone, cable, and water distribution lines shall be placed underground.

9.7.11 Parking. Each dwelling unit shall be served by two (2) off-street parking spaces. Parking spaces in front of garages may count in this computation.

9.7.12 Contiguous Open Space. A minimum of thirty percent (30%) of the parcel shown on the development plan shall be contiguous open space. Any proposed contiguous open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved for exclusively agricultural, horticultural, educational or recreational purposes, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes. Underground utilities to serve the Townhouse Development site may be located within the contiguous open space.

9.7.13 Ownership of the Contiguous Open Space. The contiguous open space shall, at the Planning Board's election, be conveyed to

1. the Town or its Conservation Commission;
2. a nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above;
3. a corporation or trust owned jointly or in common by the owners of lots within the Townhouse Development or a condominium association composed of the unit owners. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust or condominium which shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation or condominium shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement for this purpose. In such event, the town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation or condominium fails to complete such maintenance, the town may perform it. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation or condominium shall be submitted to the Planning Board for approval, and shall thereafter be recorded.

9.4.14 Buffer Areas. A buffer area of fifty feet (50') shall be provided at the perimeter of the property where it abuts residentially zoned or occupied properties, except for driveways necessary for access and egress to and from the site. No vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance. The Planning Board may waive the buffer requirement (i) where the land abutting the site is the subject of a permanent restriction for conservation or recreation so long as a buffer is established of at least twenty-five feet (25') in depth which may include such restricted land area within such buffer area calculation; or (ii) where the land abutting the site is held by the Town for conservation or recreation purposes; or (iii) the Planning Board determines that a smaller buffer will suffice to accomplish the objectives set forth herein.

9.7.15 Stormwater Management. Stormwater management shall be consistent with the requirements for subdivisions set forth in the Rules and Regulations of the Planning Board and the DEP's Stormwater Management Policy.

9.7.16 Decision. The Planning Board may approve, approve with conditions, or deny an application for a Townhouse Development after determining whether the Development has been designed in conformance with this Section, and application of the criteria set forth in Section 10.5. The Planning Board may waive any substantive requirement contained herein, except for the minimum lot area requirement, as part of the issuance of a special permit.

9.7.17 Relation to Other Requirements. The submittals and permits of this Section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning By-Law.

OR WHAT IT WILL DO IN RELATION THERETO.