

SECTION 14

TOWNHOUSE DEVELOPMENT IN RESIDENTIAL DISTRICTS R-1 AND R-2

14.1 Purpose

The purpose of a townhouse development in residential districts is to provide for residential development which:

1. Results in the permanent preservation of open space which is of use and value to the City and which would not normally be preserved under development undertaken according to other sections of the ordinance.
2. Encourages creative site planning which is sensitive to the natural characteristics of the land.
3. Provides for economical development, efficient provisions of public services and minimizes road and driveway construction and paving.
4. Promotes aesthetics and other amenities.

14.2 Procedures

Per Section 5 of this Ordinance, application for a townhouse development in R-1 and R-2 residential zoning districts shall require a Special Permit in accordance with Section 12.3.2, which constitutes Site Plan Review of the application by the Planning Board, as specified in Section 11.3.2, and the City Council shall be the Special Permit Granting Authority. The procedural review of the Special Permit Granting Authority, Planning Board and other boards and departments of the City shall be in accordance with said Sections. Density provisions for townhouse developments in R-1 and R-2 zones are provided in Section 6.1 - Table of Dimensional Regulations.

14.3 Content of the Application

In addition to the requirements for a Special Permit application, contained in Sections 11 and 12 of this Ordinance, application for a townhouse development shall also include plans and narrative descriptions as follows:

1. The size of the tract in acres.
2. The number of the proposed dwelling units, bedroom count for each unit and the net living area of each in square feet.

3. The proposed location and height of all proposed structures.
4. Topographic plan, including a clear and accurate disclosure of the grades of the existing terrain. For the portion of land proposed for development, the plan shall indicate large trees (18 inches in diameter and greater), ledge outcrops, natural water courses, proposed finish grades and existing buildings, together with fences walls, shall be shown. Also, the site plan shall be drawn to a scale of 1 inch = 40 ft. and existing buildings, together with fences and walls, shall be shown. Approximate grades shall also be shown.
5. The acreage of the proposed permanent open space parcel and location and acreage of any wetlands on the tract as defined by General Laws Chapter 131, Section 40.
6. A description of the intended uses of the proposed open space parcel, and an analysis of its value to the City, with respect to natural resource preservation, environmental protection and accessibility by the general public.
7. A description of the proposed ownership for passive recreation/naturalist uses and maintenance of the proposed open space parcel.
8. A description of all dwelling units on properties abutting the tract.
9. A description of the neighborhood in which the tract lies, including utilities and other public facilities, and the impact of the proposed plan upon them.
10. Notwithstanding anything to the contrary contained within this Zoning Ordinance, 19 sets of Site Plans shall be submitted for application for townhouse developments.
11. For purposes of townhouse developments, design standards for bridges, drainage, water and sewage systems, easements, open spaces, protection of natural features, loaming, monuments and markers, street lighting, public utilities, street and regulatory signs, fire alarm systems, side slopes, inspection and construction control procedures shall comply with Sections 111 and IV of the 1987 Planning Board Land Subdivision Rules and Regulations and as may be amended.

14.4 General Requirements

1. Townhouse development in the R-1 and R-2 zoning districts shall require a minimum tract size of 18 acres and be comprised of clustered townhouse dwellings, which shall be separated from the dedicated open space parcel.

2. The total allowed number of units for a townhouse development shall be 2.5 units per acre, multiplied by the total area (i.e., 5 units per acre of the tract to be developed)
3. No dwelling unit shall exceed two and one half stories, nor be greater than thirty feet in height.
4. Any part of the developed tract that abuts the open space tract shall be subject to a minimum of a 25 foot setback.
5. Each unit shall have separate entries and off-street parking or garages. Two parking spaces per unit shall be provided.
6. Townhouse clusters shall consist of no more than 6 townhouses per cluster.
7. Townhouse clusters shall be separated from each other by a minimum distance of 30 ft. in all directions.
8. For purposes of Section 14 only, townhouse clusters as that term is used herein may include multifamily dwelling units containing up to four (4) stacked units per building. No more than fifteen (15%) percent of the total units in the development can be stacked. Stacked units will only be allowed in developments under Section 14 if the number of total units in the townhouse development does not exceed 112. The purpose of stacking is to minimize site disturbance, provide for additional open space, create more diversity and affordability in the unit types. (added 4/4/2017)

14.5 Requirements for Open Space

1. The open space parcel shall comprise 50% of the total tract, and this parcel shall comprise, at minimum 70% upland area.
2. In addition to the density provisions included in this section, townhouse developments shall comply with all other applicable R-1 and R-2 density provisions, per Section 6.1, Table of Dimensional Regulations.
3. All land shown on a plan for which a Special Permit is granted under this Section, which is not included in the building footprints, roadways or easements shall comprise one contiguous tract.

The open space parcel shall be conveyed to the City's Conservation Commission, for the exclusive purposes of conserving open space and promoting passive recreation/naturalist uses of the premises. The Conservation Commission shall maintain said parcel in perpetuity as open space.

4. Factors relevant to determine that the open space parcel should be permitted:

- a. Said open space parcel is in the public interest;
- b. It provides for the preservation of significant natural features;
- c. It will minimize site disturbance, including soil removal and tree cutting; and
- d. accommodates the site's characteristics.
- e. Land containing hazardous materials shall be prohibited from inclusion in the designated Open Space parcel.
- f. All provisions of M.G.L. Chap. 21E, -Mass. Oil and Hazardous Material Release Prevention and Response Act, have been met.

Wherein a townhouse development will be developed in phases, interim protection of the open space parcel shall be provided by recorded covenant of the landowner. The covenant shall be submitted to the Special Permit Granting Authority for review and approval prior to recording.

Land within the development comprised of building footprints, parking areas and areas owned individually or collectively by members of the townhouse association shall be conveyed and maintained, per the following guidelines:

The developer shall be responsible for the maintenance of the common land and any other facilities to be held in common until such time as the townhouse owner's association is capable of assuming said responsibility. In order to insure that the association will properly maintain the land deeded to it under this section, the developer shall cause to be recorded at the Middlesex South Registry of Deeds, a Declaration of Covenants and Restrictions, which shall, at a minimum, provide for the following:

- 1) As a requirement of ownership of any townhouse unit and/or any individually owned property within the development tract, membership in an established townhouse owner's association shall be mandatory.
- 2) In order to insure that the subject areas are maintained in a condition suitable for the uses approved by the townhouse owner's association, provision for maintenance assessments of all townhouse units shall be established. Failure to pay such assessments by any townhouse owner shall give cause for the owner's association to establish a lien(s) on the subject property.

14.6 Conditions

No special permit for a townhouse development shall be issued unless the requirements enumerated in this section, and other sections of this Ordinance, are met, and the Special Permit Granting Authority finds:

1. Preservation of the open space will be beneficial to the City and/or residents of the tract, by virtue of the creation of usable open space for passive recreation/naturalist purposes, preservation of scenic areas of views, preservation of natural resources and contributing to the net work of open space, as envisioned in the City's Open Space Plan.
2. The townhouse development will result in a development that is equal or greater than surrounding conventional subdivisions, which are allowed by right in R-1 and R-2 residential districts. Especially in regard to location of units, topography of the site, efficient provisions of public services and reduction in the amount of roadway and driveway constriction, therefore creating less storm water run-off and roadway maintenance costs.
3. The townhouse development will have no adverse impact on the quality and supply of groundwater.
4. Proper arrangements have been made for public access to the open space parcel, including emergency municipal services.
5. Suitable arrangements for management and maintenance of the open space parcel have been made.
6. The townhouse development will have no more adverse impact on nearby developed neighborhoods, by virtue of increased traffic, impairment of privacy and views, than would conventional subdivision of the tract.

(amended 6/19/96)

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