

Article

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To see if the Town will vote to amend Section 10 of the General Bylaws, known as the Zoning Bylaws, by adding the following Section ____ to Section III:

____. Great Estate Planned Unit Development.

1. Definition. As used herein “Great Estate Planned Unit Townhouse Development” or “Great Estate PUD” means a planned unit development, as defined in G.L. c. 40A Sec. 9, in which residential use and open space are mixed. Dwelling units in a Great Estate PUD are situated in groupings, containing one, two or three dwelling units in individual structures, separated from each other and from a parcel’s perimeter lot lines by dedicated landscaped open space and protective vegetated buffer zones (herein referenced as “Open Land”). The dwelling unit in a Great Estate PUD is a two story dwelling unit with attached garage and which may be attached to one or two other dwelling units arranged in a townhouse building form.

2. Purpose. This subsection is intended to permit well-designed, multi-unit attached or detached townhouse development on existing large tracts of land. so as to: (1) provide an added diversity of housing types in the Residence AA district attractive to households desirous of downsizing from conventional single family dwellings: **(2) allow development of large tracts of land in a manner which preserves view corridors, open space and topography, wooded areas and natural features of substantial portions of those tracts** (32) provide **affordable certain** housing ~~in the town for households unable to pay full market price;~~ (43) provide dedicated Open Land and protective buffer zones with outstanding landscape design between groupings of dwelling units and along the boundaries of the property; **(54)** permit the preservation of **at least two** large, historic **(pre-1900)** houses through their conversion into condominium dwelling units; and **(65)** ensure quality land planning, architectural design in building and landscaping and ensure long-term preservation and maintenance.

3. Siting. A Great Estate PUD may be established and maintained pursuant to a special permit issued by the Planning Board on a lot (including a combination of adjacent lots) of land in a Residence AA district which (1) contains at least 46 acres; (2) has frontage of at least 1,500 feet; ~~(3) has a combination of lot lines, at least equivalent to the length of its frontage, in common with property of the Department of Conservation and Recreation (the DCR);~~ and **(43)** on which there exists at least two single family dwellings constructed before 1900.

4. Housing Types and Occupancy. The housing types in a Great Estate PUD shall be attached or detached townhouse dwelling units and condominium units located in retained and rehabilitated structures that may be converted to multi-family use. These dwelling units shall be contained in groupings of one, two or three units per building structure. Dwelling units in a Great Estate PUD shall be developed as condominiums and each unit shall be separately owned and occupied; provided that the owner of one unit who occupies such unit may own one or more other units. Individual units may be rented for occupancy for terms of not less than 18 months and not more than 10% of all of the units in a Great Estate PUD may be rented at any one time. Occupancy of units that are developed on-site shall be limited to persons who are fifty-five years of age or over.

The occupancy of affordable units that may be developed off-site, in accordance with paragraph 9, need not be so restricted.

5. Streets. Any new street in a Great Estate PUD shall meet the requirements for streets as specified in the Planning Board's Rules and Regulations with such waivers as the Board may find to be desirable and appropriate for the Great Estate PUD. Adequate provision shall be made for the safety of bicyclists and pedestrians, **as determined by the Planning Board in its discretion.**

6. Number of Units. The maximum number of units in a Great Estate PUD shall not exceed ~~an average density of 1.4 units per acre. In calculating the maximum permissible density, after determining the number of usable acres in a parcel, if there is a remainder of area less than an acre, that area shall be disregarded~~**58.**

7. Setbacks and Height. No new building in a Great Estate PUD shall be less than 250 feet from the lot line fronting on an existing street, and no new building in a Great Estate PUD shall be less than ~~125-175~~ feet from a side lot line or ~~60-100~~ feet from the rear lot line. **No new roadway in a Great Estate PUD shall be less than 125 feet from a side lot line, 50 feet from the rear lot line or 125 feet from an existing driveway easement. A new roadway may traverse the 250 buffer zone connecting to an existing street approximately perpendicular to that existing street.** All set back areas shall be ~~left suitably maintained~~ in their natural condition or landscaped as hereafter provided. **There shall be a 75 feet wide "No Disturbance Open Land" parallel to the existing street. No more than twenty-five percent (25%) of the townhouse units may be constructed less than 550 feet from the existing street.** No building in a Great Estate PUD shall exceed 35 feet in height, provided that the pre-1900 dwellings may be retained and converted to condominium use at their original height.

8. ~~Buildable Pods~~**Building Units**. In a Great Estate PUD ~~no dwelling~~**new units** shall be erected or maintained ~~except on a "Buildable Pod". A "Buildable Pod" in a Great Estate PUD is a building containing not more than three attached townhouse units. Each Buildable Pod shall have a location, size and shape to provide one, two or three townhouses, including garages. Certain condominium units may be created within existing buildings.~~

9. Affordable Housing. ~~In a Great Estate PUD containing less than 10 townhouse units, an application may provide for one townhouse unit to be used for an attached townhouse suitably restricted so as to count on the state's Subsidized Housing Inventory (SHI) or its future equivalent, or in lieu thereof the application may provide for a monetary contribution to the Town's Affordable Housing Trust Fund in an amount which is reasonable, as determined by the Planning Board under the relevant circumstances.~~In a Great Estate PUD containing 10 or more ~~townhouse~~ units, 10% of the ~~townhouse~~ units (rounded to the nearest whole number) shall be suitably restricted so that the ~~townhouse~~ units shall count on the **SHI-state's Subsidized Housing Inventory** or its future equivalent. The Planning Board may approve one or more of the following methods, or any combination thereof, for the provision of affordable units: (a) the affordable units may be constructed or rehabilitated on the lot **as part of the development**; (b) ~~the affordable ownership units approved by the Planning Board may be constructed or rehabilitated on another locus or locuses-loci within the Town, subject to approval by the~~

Planning Board and provided that any such off-site units shall **not be age-restricted and shall** be developed at the same rate as units are developed on-site; or (c) the developer may make a contribution of cash or land ~~that is equal to the net cost of producing such units on-site to the~~ **Town's Affordable Housing Trust sufficient to permit development or purchase of the requisite number of units off-site. The maximum town resident/town employee preference allowed by applicable law shall be employed in selection of buyers for the affordable units.**

10. Parking. Each townhouse unit shall have an attached one or two car garage **provided that garage doors shall not dominate the appearance of the unit as seen from the street.** Provision shall be made for sufficient additional parking for residents and guests to serve anticipated needs as ~~established by the applicant~~ **may be determined by the Planning Board.** On-street parking, if and where permitted, may count as serving these needs. Suitable provision shall be made for ownership and maintenance of separate parking areas by the condominium association (as hereafter defined), if such separate areas are needed to serve parking needs.

11. Open Land.

(a) Every Great Estate PUD shall include **No Disturbance Open Land**, which for the purposes of this subsection, shall mean land ~~left suitably maintained~~ in its natural state, **(b) Every Great Estate PUD shall include Open Land, which for the purposes of this subsection, shall mean land suitably maintained in its natural state,** gardens, and other open land suitably landscaped and maintained in harmony with the terrain of the site, its environs and the character of the surrounding neighborhood. **No Disturbance Open Land and** Open Land shall not be used for roadways, but may include permeable paths and walkways, and parking, if such parking is comprised of permeable materials and made available to the public for access to ~~the DCR property~~ **adjacent park property if such access is approved by the park agency administering the park, and provided such parking shall be installed only in areas that directly abut the adjacent park property. A new walking path, open to the public, shall be provided within the No Disturbance Open Land.** Insofar as permitted hereunder and subject to the approval of the Planning Board, Open Land may be used for passive outdoor recreational purposes and for the installation and maintenance of underground utility services **insofar as such installation does not require the removal of a significant number of existing trees.** The Planning Board may permit Open Land to be utilized for the coursing or temporary retention of storm drainage **insofar as such installation does not require the removal of significant number of existing trees.** No structure shall be erected or maintained on Open Land except as may be reasonably necessary for and incidental to the use of Open Land, such as lampposts, benches, ~~small sheds,~~ stone landscape or retaining walls and decorative fences. **A limited number of small sheds needed for operation of or maintenance of the Open Land may be permitted.** The number, use, characteristics and location of structures shall be subject to approval by the Planning Board.

(b) At least ~~65~~0% of the total land area of the Great Estate PUD, exclusive of wetlands and streets, shall be **a combination of No Disturbance Open Land and** Open Land.

(c) Open Land in a Great Estate PUD shall be designed and located on the lot so that the purposes of this subsection are met. Narrow strips of land, which are not necessary for a high-


quality site design, shall not be a part of the Open Land. Open Land shall be situated so that each **townhouse structure** ~~Buildable-Ped~~ is adjacent to Open Land or has convenient access to Open Land.

(d) **No Disturbance Open Land and** Open Land in a Great Estate PUD shall be made subject to a conservation restriction, which conservation restriction shall be held **for conservation purposes** by the DCR, the Milton Conservation Commission or another **nonprofit** third-party entity **approved by the Planning Board;** and shall be maintained by a duly organized condominium association and shall be ~~kept-maintained~~ in an open, **minimally** landscaped or natural state **as shown on the site plan and shall be kept reasonably;** free of invasive species, and not built for commercial or residential use or developed for accessory uses such as parking or roadway.

12. Condominium Association. In a Great Estate PUD, a condominium association shall be established to manage and own the ~~property,~~ streets, separate parking areas, ~~and manage the~~ Open Land, ~~and other areas, if any, not owned by the unit owners.~~ The condominium association shall be controlled by the owners of the ~~townhouse~~ units. Each such owner's interest in the condominium association shall be subject to the Great Estate PUD special permit issued in accordance with this subsection and shall pass with the conveyance of his or her ~~townhouse~~ unit. The condominium association shall be responsible for the maintenance of the streets, parking areas and Open Land and in no event shall the Town of Milton be responsible for any such maintenance. Each deed to a ~~townhouse~~ unit shall obligate the owner and his/her successors in title to pay a pro rata share of the expenses of the condominium association. The condominium association, by unamendable provision in its charter or trust indenture, shall (a) be obligated to maintain the streets and Open Land; (b) be prohibited from mortgaging or pledging the Open Land; (c) be prohibited from conveying or assigning the Open Land, except to a **nonprofit** third party entity established for the purpose of land conservation; and (d) require that all buildings be kept in good order and repair by their owners. In the event that the condominium association shall be legally terminated, another corporation or trust constituted pursuant to the requirements of this paragraph, subject to the rights and obligations provided herein, shall take title to the streets, parking ~~areas and Open areas,~~ **Open Land, and other areas, if any.** The condominium documents, which will establish and control the condominium association, shall be submitted with the special permit application for review by Milton Town Counsel who may require amendment so as to effectuate the purpose of this subsection and shall not be amended without the consent of the Milton Planning Board.

13. Design Standards for Buildings.

(a) The buildings containing the townhouse dwelling units in a Great Estate PUD shall meet the following design standards:

- i.  The architecture of each building shall be consistent and coherent in all its elements and compatible with and complementary to its surroundings, in form, scale and massing. The rear and sides of each building shall be given the same careful attention as the front.

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ii. The architecture of the buildings shall provide variety in massing, roof lines, design features, details and color in order to avoid a pattern of repetitive units placed equally along the roadway.

ii. The scale of each building shall complement its landscaped context and the natural character of the Open Land.

iii. Windows and doors shall be surrounded by appropriate architectural elements setting the windows and doors off from the plane of the façade. ~~Muntins shall be used in the top half of all windows.~~ Vents or grills for air conditioner units, if any, shall be incorporated into the architectural elements surrounding the window units so as to present a coherent visual whole.

iv. Each door, doorway, window or window grouping shall be suitably proportioned to the building. Each unit shall have windows that open. Small windows, disruptive to architectural continuity, shall not be used. **Garage doors shall not dominate the appearance of a unit when seen from the street, and shall be of a design consistent in level of detail to other elements of the exterior of the building.**

v. Exterior lighting fixtures shall be appropriate to the architecture, be Dark Sky compliant and be appropriately shielded to prevent any significant light over-spill into adjoining residential areas. Exterior spot lights are expressly prohibited.

vi. Roof lines shall be visually coherent and architecturally well defined. Pitched roofs, cornices and other appropriate architectural elements **are encouraged** ~~shall be used.~~ Dormers and/or gables which break the planes of the roof should be used where appropriate.

vii. Building materials should be of high quality. Traditional materials and colors that are in keeping with the architectural context shall be used when reasonably possible. **Vinyl siding and aluminum siding are prohibited.**

viii. Building walls shall not present unrelieved flat surfaces. Windows, doors, dormers, window bays, porches and architectural elements shall project or be recessed in order to relieve such flatness unless good architectural cause exists for a different treatment.

ix. Small accessory buildings ~~needed~~**necessary** for condominium operations and maintenance ~~shall~~**may** be ~~permissible~~**permitted** if attractive in design and sited unobtrusively.

(b) The Pre-1900 Buildings. The pre-1900 dwellings in a Great Estate PUD shall be converted into one or more condominium units and shall retain, insofar as reasonably possible, the original exterior appearance of the dwelling and its landscaping. Demolition of wings and construction of garages architecturally consistent with the dwelling shall be permissible. A pre-1900 building may also contain a meeting room and similar facilities for use by members of the condominium association.

(c) Requirements for Dwelling Units. The townhouse units and the condominium units shall meet the following requirements:

i. The townhouse units shall not exceed 2 stories.

ii. The townhouse units shall have a first floor master bedroom.

iii. No townhouse unit shall have more than 3 bedrooms and the average number of bedrooms for all the units in the Great Estate PUD shall not exceed 2.6.

iv. Each townhouse unit shall contain a 1 or 2 car garage.

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v. No townhouse or condominium unit shall exceed 3,300 square feet of living area, including finished basement area **or basement areas intended to be finished**. The square footage of unfinished basement, garage and attic areas ~~are shall be~~ excluded from this calculation.

vi. Interior spaces shall be designed so that units are resistant to noise from the adjoining units **as required by applicable building codes**. ~~Interior finishes shall be constructed with high-quality materials. Construction methods and uses of materials may be specified by the Building Commissioner in order to ensure high-quality construction.~~

14. Site Plan.

(a) A site plan for a Great Estate PUD shall be part of the special permit application. It may be contained in one or more ~~plans-sheets~~ prepared in a form suitable for recording by a Registered Professional Engineer or a Registered Land Surveyor, and in accompanying text and material. Applicants ~~are encouraged to shall~~ secure the assistance of a Registered Architect or Landscape Architect in preparation of the Site Plan. A Site Plan approved by the Planning Board is a prerequisite of a special permit for a Great Estate PUD granted under this subsection, and construction of the Great Estate PUD shall be in **strict** accordance with the approved Site Plan. The Site Plan shall show:

i. The existing topography of the land showing **existing and proposed** two-foot contours.

ii. A mapping of all wetlands, a description of these wetlands, and any proposed alteration of wetlands.

iii. Major site features such as large trees, wooded areas, rock-ridges and outcroppings, water bodies, meadows, stone walls, and buildings, a description of these features, and any proposed removal or changes in these features.

iv. The siting, grading, and landscape plan for all proposed streets, ~~Buildable Pedestrian~~ **townhouse buildings, No Disturbance Open Land**, Open Land, parking areas, paths, walkways, driveways, gardens and fences. **This plan shall include site sections indicating existing topography, proposed topography, trees and limits of construction.**

v. **A three-dimensional model of the parcel including topography, natural features, roadways, buildings, trees and landscape improvements.**

~~vi.~~ A written description of the landscape characteristics of the ~~site and its site, its~~ contiguous neighborhood and of the effects of the Great Estate PUD on such characteristics, including the passage of water through the site and to and from contiguous property, **and any measures proposed to mitigate adverse effects.**

vii. A written description of the site's current uses, such as watershed, wildlife habitat, woodland, or meadowland and of the effect of the Great Estate PUD on such uses, ~~and any~~ **measures proposed to mitigate adverse effects.**

viii. A statement of ~~all any other~~ significant impacts, which the Great Estate PUD is likely to cause and a description of any measures proposed to deal with ~~these any adverse~~ impacts.

~~ix.~~ The design of all structures. The plans ~~should shall~~ make the appearance of each dwelling on its sides and rear at least equal in amenity and design to the appearance of the dwelling on its front. The plans ~~should shall~~ show the relationship between each townhouse dwelling unit and its attached neighboring townhouse dwelling unit(s).

ix. Storm water and drainage calculations and the design of adequate storm water and drainage systems.

xi. A utility plan including **locations, sizes and** designs for adequate sewer or septic, water, electric, gas, telephone and cable systems.

xii. **Photographic documentation of existing conditions, including all buildings and landscape features.**

xiii. **Limits of construction plan.**

ivx. **Construction management and construction phasing plan.**

(b) Site Plan Design Standards. The Site Plan shall be prepared in conformity with the purpose and specific requirements of this subsection including the following design standards:

i. The existing terrain, ~~whether part of the Open Land or a Buildable Pod,~~ shall be preserved insofar as reasonably possible, and earth moving shall be minimized except as may be required for a site design meeting the purpose and requirements of this subsection. **Achieving a balance of cut and fill on site shall not dictate the level of topographic modification to be employed. Use of retaining walls to manage topographic modifications shall be limited.**

ii. Existing significant trees and natural features shall be preserved and integrated into the landscape design plan insofar as reasonably possible and appropriate to ~~a-site design-meeting the purpose and requirements of this subsection.~~

iii. Street layouts shall take account the existing terrain and landscape features in order to avoid extreme or ill-designed cuts or fills to the extent reasonable. The width, construction and lighting of streets shall be appropriate for their intended use.

iv. Creation of an attractive initial view of the Great Estate PUD from existing streets in harmony with the neighborhood shall be an objective of overall site design.

v. The groupings of townhouse dwelling units shall be arranged and oriented to be compatible with the terrain and features of surrounding land and shall be sited so that the arrangement of the groupings fronting a street creates a **varied** landscape setting in context with the street ~~and the surrounding land, the land surrounding the development, and neighboring houses.~~

vi. The Site Plan shall specify the location of groupings of attached townhouses and dimensions of each townhouse. The groupings shall not be located in such a manner so as to concentrate groupings in the immediate vicinity of any existing dwelling.

vii. Individually and commonly owned parking areas shall be designed with careful regard to topography, landscaping, ease of access and lighting and shall be developed as an integral part of overall site design.

viii. There shall be adequate, safe and convenient arrangement of walkways, paths, driveways and parking areas and suitable lighting. Varied construction materials, such as brick or stone, shall be used when feasible and appropriate to site design. All retaining walls shall be stone-faced.

ix. Suitable trees, shrubs and other plant material used for screening or landscaping shall be of a size and number sufficient for their purpose.

x. The development of a Great Estate PUD shall promote reasonable visual and audible privacy for the residents and their neighbors.

15. Other Filing Requirements. The following shall be included as part of any filing for a Great Estate PUD special permit under this Subsection:

- (a) **Traffic Impact Study.** The application shall include a traffic impact study with a geographic and functional scope determined by the Planning Board to be appropriate to the location of the project. The Planning Board shall determine at its discretion whether mitigation measures may be required to address traffic impacts.
- (b) **Tree Study.** A tree survey, completed by a certified arborist, showing the location, type, and size of all existing Significant Trees (10" DBH or greater) proposed to be removed or altered as part of the project. The Planning Board shall determine at its discretion whether replacement trees shall be required in order to offset the habitat, aesthetic and recreational values lost by removal or alteration of any Significant Trees.

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16. Approval of the special permit application shall be granted only upon determination by the Planning Board that the project meets the below criteria, in addition to any other criteria identified throughout this Subsection:

- (a) conforms with the design and plan standards specified in this Subsection
- (b) conforms with the Town of Milton Master Plan in its most updated version at the time of filing the application

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15. Every application for a special permit for a Great Estate PUD under this Subsection shall be referred to the Conservation Commission and Board of Health. The Conservation Commission and Board of Health shall act upon the referral in the same manner as upon an application for subdivision approval under the Subdivision Control Law.

16. Every application for a special permit for a Great Estate PUD shall be filed with the Town Clerk and ~~ten~~ **fourteen** copies of the application (including the date and time of filing certified by the Town Clerk) shall be filed forthwith with the Planning Board. The Planning Board shall forthwith transmit a copy of the application to the Conservation Commission and a copy of the application to the Board of Health and shall specify the date of public hearing. After due publication of notice, the Planning Board shall hold a public hearing within 65 days of filing of the application or within such further time as may be permitted by G.L. c.40A, Section 9 (or successor statutory provision) or within such further time specified by written agreement between the applicant and the Planning Board filed with the Town Clerk. The Planning Board shall grant a special permit for a Great Estate PUD ~~pursuant to the authority of and subject to the conditions and standards set out in~~ **if it finds that the requirements of Section IX.C have been met and** if, in addition, it finds that the requirements of this subsection have been met and that the Great Estate PUD will serve an identifiable housing need in a manner which is compatible with the area of the residence district within which the Great Estate PUD is located.

17. After a special permit for a Great Estate PUD has been granted, the development may be altered or amended only upon an application for such alteration or amendment complying with the pertinent requirements of this subsection and after notice and a public hearing and a finding by the Planning Board that the alteration or amendment (a) **satisfies Section IX.C and** meets the requirements and purpose of this subsection; ~~(b) is financially practical and in reasonable~~

~~probability will be completed; and~~ **(eb)** is desirable or reasonably necessary. In permitting an alteration or amendment, the Planning Board may impose such conditions or restrictions which it ~~finds~~ **deems to be** reasonably necessary **or appropriate** to accomplish the purpose or satisfy the requirements of this subsection.

18. In the event no substantial use of a special permit granted under this subsection is made and no substantial construction has commenced within 2 years of the Planning Board's decision (excluding any time involved in judicial review of the decision), the special permit shall expire, except for good cause. The Planning Board may set reasonable time limits for completion of parts or of the whole of the development and may determine the order of construction.

and to act on anything relating thereto.

Submitted by the Planning Board