

Article

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 Development” or “Great Estate PUD” means a planned unit development, as defined in G.L. c. 40A Sec. 9, in which residential and open space uses are integrated. Dwelling units in a Great Estate PUD are situated in building clusters, containing one, two or three dwelling units in individual structures, separated from each other and from a parcel’s perimeter lot lines by dedicated and protected open space and buffer zones, which may be forested, vegetated or otherwise maintained as open space (herein referenced as “Open Land”). Open Land shall be preserved from residential or commercial development in perpetuity by deed restriction, land use covenant or conservation restriction to be held by a third party and which shall be enforceable by the Planning Board and the Conservation Commission. A dwelling unit in a Great Estate PUD is either a two story dwelling unit containing two or three bedrooms with attached garage and which may be attached to one or two other dwelling units arranged in a townhouse building form, or is a condominium unit containing two or three bedrooms that is developed in one or more existing buildings that are preserved on the site.

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, which are architecturally compatible with existing patterns within the AA district, and which are 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 on these tracts; (3) provide for the development of affordable housing; (4) provide dedicated Open Land and protective buffer zones with outstanding landscape design between groupings of dwelling units and along the boundaries of the property; (5) permit the preservation of at least two large, historic (pre-1900) houses and houses that are otherwise visible from the public way through their conversion into condominium dwelling units; and (6) 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; and (3) 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; provided that that number of building containing three units shall be limited to one such building for every 15 units. 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 that may be developed on the site of a Great Estate PUD shall not exceed an average density of 1.24 units per acre. In addition, affordable units shall be developed in accordance with paragraph 9.

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 175 feet from a side lot line or 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 suitably maintained in their natural condition or landscaped as hereafter provided. There shall be a 75 feet wide "No Disturbance Zone" 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. Building Units. In a Great Estate PUD new units shall be erected or maintained in buildings containing not more than three attached townhouse units. Condominium units may also be created within existing buildings.

9. Provision of Affordable Housing.

(a) Number of Affordable Units. The applicant for a Great Estate PUD shall make provision for a number of units equal to 10% of the total number of units (rounded to the nearest whole number) to be made available as low or mediate income housing units ("affordable units") as defined in M.G.L. c. 40B, s. 20 (or successor statutory provision) and shall qualify as Affordable Housing" includable in the Subsidized Housing Inventory ("SHI") (or successor counting mechanism) under applicable regulations of the Massachusetts Department of Housing and Community Development ("DHCD") or other applicable legal authority.

(b) Location of Affordable Units. One or more affordable units may be located on-site. Any such units shall be included in the total number of units allowable on the site of the Great Estate PUD and such units shall be age-restricted. One or more affordable units may be located off-site. If so

located, then the number of such units may be in addition to the number of units allowed on-site. Such off-site units shall [?????]

(c) Type of On-Site Units. On-site affordable units shall be of the same size, quality, style and appearance as other on-site units.

(d) Type of Off-Site Units. Off-site affordable units shall be provided in single or two-family dwellings and legal for such use. Each unit shall contain at least 2 bedrooms, kitchen, dining area, living room and at least one bathroom in a living area of at least 1,250 square feet. New construction shall create dwellings of similar quality, style and appearance as other dwellings in the neighborhood. The new construction shall be in decent, safe and sanitary condition in full compliance with building, sanitary and health code requirements. Existing dwellings that may be rehabilitated to provide affordable units shall be in decent, safe and sanitary condition in full compliance with building, sanitary and health code requirements. Roofs of existing dwellings shall have a useful life of at least 15 years.

(e) Sale and Resale. A perpetual deed restriction shall restrict sale and resale of these units to households of which the annual income at the time of sale or resale is less than 80% of area median income, adjusted for household size, as determined by the U.S. Department of Housing and Urban Development for the Boston metropolitan area. These households shall also be subject to such reasonable asset restrictions at the time of sale or resale as applicable program rules or regulations may require. Occupancy of an affordable housing unit shall be restricted to the household to which it has been sold, provided that changes in household composition permissible under applicable program rules or as approved by the monitoring agent, shall be permitted. Insofar as permissible, there shall be a Milton resident preference and a Milton employee preference given in the selection of buyers. The affordable units shall be marketed at the same time as the market rate units.

(f) SHI Eligibility. Each affordable unit shall qualify for inclusion and shall be included on the SHI. It shall be the Applicant's obligation and responsibility to secure approval from DHCD for inclusion of the unit on the SHI. The Town shall cooperate in order for the applicant to secure timely and efficient approval.

(g) Regulatory Agreement. Each affordable unit shall be subject to a regulatory agreement which shall specify the requisite qualifications of the buyer of the affordable unit and the manner by which the buyer will be selected; the regulatory agreement shall also contain provisions for effective monitoring and enforcement of a deed restriction, including qualification and selection of buyers on sale and resale. The regulatory agreement shall provide for a lottery to select the initial buyers; the maximum permissible Milton resident preference and Milton employee preference shall be given.

The regulatory agreement shall be signed by the applicant, by the monitoring agent who will be in charge of buyer-selection, monitoring and enforcement, and by the Town pursuant to authorization from the Board of Selectmen. In addition, the regulatory agreement may be signed by a state or federal subsidizing agency. The deed restriction ensuring affordability on sale and resale shall be enforceable by the Town, any subsidizing agency and the monitoring agent. The deed restriction and regulatory agreement shall specify the manner of determination of the price on resale,

including, insofar as permissible and reasonable, payment of a fee from the proceeds of sale and resale in order to compensate the monitoring agent. The fee shall not exceed the amount permissible under any applicable program rules.

(h) Monitoring Agent. A qualified entity shall serve as monitoring agent. Reasonable provision shall be made for its duties and compensation as monitoring agent. Applicant and the Town shall do the necessary for preparation of a regulatory agreement setting out the material terms and conditions. The Applicant and the Town shall also do the necessary for preparation of a suitable deed restriction which ensures perpetual affordability on sale and resale which restricts occupancy of the unit to the household to the head(s) of which it has been sold and which gives the monitoring agent appropriate powers to select qualified buyers on resale, to enforce the restriction, and to collect any applicable fee on resale of the unit.

(i) Payment in Lieu of Providing Affordable Unit(s). In order to mitigate the inability of an applicant to produce the required number of affordable units off-site, the applicant may request to make a payment to the Affordable Housing Trust in an amount calculated at the net cost of the production of an affordable unit on-site or as otherwise determined to be appropriate by the Planning Board considering all circumstances. Such request shall be accompanied by evidence of the applicant's inability and good faith efforts to acquire properties and develop units off-site.

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 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 Open Land containing "No Disturbance Zones", which for the purposes of this subsection, shall mean land left in its natural state or, if necessary, filled in as appropriate to match such natural areas within such No Disturbance Zones. Every Great Estate PUD shall include other 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. Open Land containing No Disturbance Zones and other Open Land shall not be used for roadways, but may include permeable paths, walkways and parking, if such parking is comprised of permeable materials and made available to the public for access to adjacent conservation property ("Permitted Recreational Uses"), and provided that such Permitted Recreational Uses do not detract from the natural character of the Open Land. A new walking path, open to the public, shall be provided within the No Disturbance Zone. 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 or otherwise affect significant groves of trees. The Planning Board may permit other 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 or otherwise affect significant groves of 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, 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 60% of the total land area of the Great Estate PUD, exclusive of wetlands and streets, shall be a combination of Open Land containing No Disturbance Zones and other 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 is adjacent to Open Land or has convenient access to Open Land.

(d) Open Land containing No Disturbance Zones and other Open Land in a Great Estate PUD shall be made subject to a private deed covenant or other conservation restriction (“Open Space Land Use Covenant”), which Open Space Land Use Covenant 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 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 streets, separate parking areas, Open Land, and other areas, if any, not owned by the unit owners. The condominium association shall be controlled by the owners of the 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 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 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, 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.
- 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.
- iii. The scale of each building shall complement its landscaped context and the natural character of the Open Land.
- iv. Windows and doors shall be surrounded by appropriate architectural elements setting the windows and doors off from the plane of the façade. . 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.
- v. 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.
- vi. 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.
- vii. Roof lines shall be visually coherent and architecturally well defined. Pitched roofs, cornices and other appropriate architectural elements are encouraged. Dormers and/or gables which break the planes of the roof should be used where appropriate.
- viii. 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 shall be prohibited.
- ix. 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.
- x. Small accessory buildings necessary for condominium operations and maintenance may be permitted if attractive in design and sited unobtrusively.

(b) Existing Buildings. The pre-1900 dwellings and other buildings deemed appropriate for retention 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. Prior to filing an application for a special permit, the Applicant shall present its plans for restoration and conversion of a pre-1900

building to the Milton Historical Commission and shall identify and address any comments from the Milton Historical Commission in its application for a special permit.

(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.
- 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, attic areas and exterior non-enclosed porch or deck areas 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.

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 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 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, townhouse buildings, No Disturbance Zones, other Open Land, parking areas, paths, walkways, driveways, gardens and fences. This plan shall include site sections indicating existing topography, proposed topography, significant trees and groves of 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, 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 any other significant impacts, which the Great Estate PUD is likely to cause and a description of any measures proposed to deal with any adverse impacts.
- ix. The design of all structures. The plans 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 shall show the relationship between each townhouse dwelling unit and its attached neighboring townhouse dwelling unit(s).
- x. 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; provided that the installation of any septic systems shall comply with the requirements of Title V and may be installed without impact on significant trees or groves of trees within the Open Land.
- xii. Photographic documentation of existing conditions, including all buildings and landscape features.
- xiii. Limits of construction plan.
- ix. Grading plan.
- x. Landscape plan.
- xi. Construction management and construction phasing plan.
- xii. Open Land and Tree preservation and management plans.

(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 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. Cuts and fills in excess of 3 feet shall be prohibited.
- ii. Existing significant trees, groves of trees and other natural features shall be preserved and integrated into the landscape design plan insofar as reasonably possible and appropriate to site design.
- 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, 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 of an application 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 or forester, showing the location, type, and size of all existing Significant Trees (10" DBH or greater) or groves of trees 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.

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, and (b) conforms with the Town of Milton Master Plan in its most updated version at the time of filing the application.

17. 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.

18. Every application for a special permit for a Great Estate PUD shall be filed with the Town Clerk and 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 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.

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

20. 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