

**E. DISTRICT R-5 (RESIDENCE 5): (16-5/8/89)
(AN ADULT RETIREMENT PLANNED UNIT DEVELOPMENT [ARPUD] DISTRICT)**

- This district is an overlay district applicable to all zones of the town except for those areas within a WATERSHED PROTECTION DISTRICT **unless the proposed project will utilize a fully approved and permitted three phase wastewater processing plant.** (22-10/30/00)(20-06/23/20)

(0). INTENT: The intent of this Adult Retirement Planned Unit Development (ARPUD) is:

- To provide an alternative housing opportunity for the older population.
- To provide an attractive and suitable residential environment that is more amenable to the needs of people in their latter years, and in many cases with limited incomes.
- To encourage creative and innovative site planning and design, in order to enhance the attractiveness and suitability of smaller homes as a preferred alternative housing type, in order to better meet the specific housing needs of this segment of the population.
- And further, the intent of this ARPUD is to encourage the preservation of common land for open space and recreational use, by promoting better utilization of land in harmony with its natural features, and to retain the rural character of the Town.

(1). ALLOWED USES:

There are no additional ALLOWED USES within this ARPUD district.

(2). SPECIAL PERMIT ALLOWED USES:

The Planning Board acting as the Special Permit Granting Authority (SPGA) may grant a Special Permit for an ADULT RETIREMENT PLANNED UNIT DEVELOPMENT (ARPUD) per the standards and conditions set forth in Sections 5.E.(4)., (5)., (6)., and (7). That follow.

(3). PROHIBITED USES:

All uses not expressly allowed as part of the Special Permit granted for an ADULT RETIREMENT PLANNED UNIT DEVELOPMENT (ARPUD) as defined under this By-Law are prohibited in the ARPUD.

(4). DEFINITIONS (for this section [ARPUD] only):

For the purpose of this ARPUD By-Law, certain terms, words, and phrases are herein defined as follows:

(a). ADULT RETIREMENT PLANNED UNIT DEVELOPMENT (ARPUD) -

A self-contained alternative residential community constructed expressly for and specifically limited to use and residency by persons who have achieved a minimum age requirement for residency of at least fifty-five (55) years.

(b). COMMUNITY BUILDING(S) - A building erected solely for the use of the residents of the ARPUD and their guests. The Community Building(s) may contain a game room, entertainment

room, sewing room, library, kitchen, laundry facilities, exercise room, toilet facilities, locker rooms for men and women, etc. The Community Building(s) and any other community facility shall be designed and maintained in conformance with the latest Massachusetts standard for accessibility for the handicapped.

(c). MODULAR HOME - A factory built dwelling unit, containing complete electrical, plumbing and sanitary facilities which is designed to be installed on a permanent foundation for permanent living quarters. The definition of MODULAR HOME shall specifically exclude mobile homes or trailers as hereinafter defined.

(d). HOME SITE - A specific "lot" designated for the placement of a home for the use of its occupants under this ARPUD By-Law.

(e). HOME BLOCK - That portion of a HOME SITE which is reserved for the placement of the principle structure (or home).

(f). PERMITTEE - Any person, firm, or corporation receiving a Special Permit to build, operate and/or maintain an ARPUD.

(g). PERSON - The term "PERSON" shall include individuals, corporation(s), owner(s), lessee(s), licensee(s), and agent(s) for each of them.

(h). RESIDENT or OCCUPANT - A person who has achieved a minimum age of at least fifty-five (55) years.

(i). MOBILE HOME or TRAILER - The following shall be considered a MOBILE HOME or TRAILER and not permitted within an ARPUD:

- MOBILE HOME - As defined under Massachusetts General Laws.

- TRAILER - A portable (self propelled or otherwise) structure built on a chassis designed as a dwelling for travel, recreation, or vacation use.

- PICK-UP COACH - A structure mounted on a vehicle chassis (self propelled or otherwise) intended for use as a dwelling for travel, recreation or vacation use.

- MOTOR HOME - a portable dwelling used for travel, recreation or vacation, constructed as an integral part of a self-propelled vehicle.

- CAMPING TRAILER - A folding structure, mounted on wheels and designed as a temporary dwelling for travel, recreation or vacation use.

(5). GENERAL STANDARDS:

The following standards shall apply to all ARPUD Developments:

(a). The ARPUD Development is specifically limited to use, residence and occupancy by persons who have achieved a minimum age of fifty-five (55) years, provided, however, that no more than one of the persons occupying any unit may be under fifty-five (55) years of age as provided for under Massachusetts State Law.

- (b). Minimum Tract Size - ARPUD Developments shall be located on a parcel of land which has a gross area of not less than thirty (30) acres.
- (c). The maximum number of ARPUD dwelling units in the Town of East Bridgewater shall be limited to a number equivalent to fifteen percent (15%) of the existing single family residential housing units (excluding ARPUD units) located in the Town of East Bridgewater. The number of single family residential housing units for the purpose of this By-Law shall be as established by the Board of Assessors as of January 1 of the calendar year. (20-6/23/20)
- (d). The minimum number of dwelling units in any one (1) ARPUD shall be fifty (50).
- (e). The maximum number of dwelling units in any one (1) ARPUD shall be one hundred (100).
- (f). The maximum density ratio in the ARPUD shall be no greater than four (4) residential units per acre. The gross land area of the parcel will be used in calculating compliance with this maximum density ratio.
- (g). Each dwelling unit in an ARPUD shall be assigned an individual HOME SITE having a minimum area of not less than seven thousand (7000) square feet. Each HOME SITE shall have a minimum frontage on an access road within the ARPUD. Minimum frontage shall be determined by the SPGA based on suitability for vehicular access.
- (h). There shall be no more than one (1) dwelling unit per HOME SITE within the ARPUD.
- (i). Within the ARPUD there shall be a minimum distance of thirty (30) feet between each dwelling unit, and a minimum set-back from the roadway layout of at least thirty (30) feet.
- (j). Within the ARPUD all roads shall have a minimum layout width of forty (40) feet and a paved roadway consisting of a travel width of twenty (20) feet with two eighteen (18) inch wide "cape-cod style" berms for a total pavement width of twenty-three (23) feet.
- (k). Within the ARPUD no dwelling unit shall be located nearer than two hundred (200) feet from the traveled portion of any public way nor closer than fifty (50) feet from the perimeter lot lines.
- (l). Within the ARPUD all open space shall be integrated within and around the development. A minimum of four thousand (4000) square feet of open space shall be provided for each HOME SITE within the development. This ratio can be reduced to a minimum of three thousand (3000) square feet of open space per HOME SITE provided that the overall area of the HOME SITES is increased by one (1) square foot for each one (1) square foot of open space reduction. Area used for roadway layout shall not be used as open space area or site area. Additionally, not less than twenty percent (20%) of the total land area contained within the development shall be designated as open space and further provided that not less than twenty percent (20%) of the open space land shall be suitable for use for passive and/or active recreational purposes. Community buildings and common facilities can be located within the open space.

(6). SITE DEVELOPMENT STANDARDS:

The ARPUD application shall show conformance with the following minimum requirements. The SPGA may, in appropriate cases, waive, increase, reduce or modify these Site Development Standards as a condition of the Special Permit.

- (a). Within the ARPUD each HOME SITE shall have suitable frontage on a way within the Development, suitable frontage shall be determined by the SPGA and shall be based principally on the quality of the access and egress provided to the HOME SITE. The required frontage is variable, provided that the average frontage for all the HOME SITES within the development

shall not be less than fifty (50) feet and further provided that no HOME SITE shall have a frontage or any dimension less than forty (40) feet.

(b). Within the ARPUD a minimum of two (2) parking spaces shall be required for each HOME SITE. Each parking space shall have an area of not less than ten (10) feet wide and nineteen (19) feet long. The parking area shall be paved and connected with a paved driveway to the roadway within the development. In order to reduce impervious areas within the development, common driveways are encouraged.

(c). Within the ARPUD the HOME BLOCK shall be designated as part of the Special Permit Plan. Where possible, the HOME BLOCK location shall be oriented with respect to natural landscape features, scenic views, topography and natural drainage patterns. Additionally, HOME BLOCK locations shall show a 'random layout' so as to minimize the visual effects of the density of the development.

(d). Within the ARPUD all utilities shall be installed underground. Each site shall be provided with water, electric, telephone and cable television services. Natural gas service may be installed as an option as determined by the applicant. Each site shall be provided with a sanitary sewer service for the disposal of sanitary wastewater. The method of sanitary wastewater disposal shall conform with the requirements of the East Bridgewater Board of Health and all Massachusetts Sanitary Codes and shall be approved by the East Bridgewater Board of Health.

If the proposed project site is located within a Watershed (Aquifer) Protection District then a fully approved and permitted three phase wastewater processing plant shall be required.

No underground storage of petroleum products shall be allowed, and additionally, all storage of such products shall be within the structure.

(e). Within the ARPUD no dwelling unit shall have an exterior radio, television, or dish-type antenna.

(f). Within the ARPUD all homes shall be constructed on permanent foundations meeting the minimum requirements of the State of Massachusetts Building Code. If a 'crawl space' type foundation is used, the area under the structure shall be skirted so as to conceal the 'crawl space'.

(g). Within the ARPUD no permanent additions, such as lean-tos, enclosures or rooms shall be added to the dwelling units. Open porches with awnings, unheated three-season rooms or screen rooms may be installed provided that they extend no closer than fifteen (15) feet to the site side lot and rear lot line or twenty (20) feet to the site front lot line. (24, 6-1-2015)

(h). Within the ARPUD on-site enclosed storage must be provided for material which is used on a seasonal or infrequent basis and which cannot be conveniently stored in the dwelling unit. Each storage building must be uniformly constructed of non-ferrous materials. The individual storage building shall have a minimum outside dimension of five (5) feet by seven (7) feet or a maximum of ten (10) feet by ten (10) feet with a height of ten (10) feet. The storage building shall be located at the rear corner of the site. When possible, two or more storage buildings may be combined. There shall be no site side line set-back distance for storage buildings located within a HOME SITE, however, storage buildings shall not be located within fifty (50) feet of the perimeter of the Development.

(i). Within the ARPUD no occupied TRAVEL TRAILER, PICK-UP COACH, MOTOR HOME, CAMPING TRAILER or other MOBILE TRAILER adaptable to living shall be permitted.

(j). Within the ARPUD the access ways shall be designed and constructed in general accordance with the latest Rules and Regulations Governing the Subdivision of Land in East Bridgewater. Except that the pavement width and berm requirements as presented herein shall apply. Each access way shall be provided with at least one sidewalk. Wheelchair ramps shall be provided at all intersections. Street lighting and fire hydrants shall be provided along the roadways throughout the development.

(k). Within the ARPUD open space shall be allocated to the recreational amenity and environmental enhancement of the development and shall be designed as such on the Special Permit plan.

(l). Within the ARPUD there shall be a buffer zone of at least fifty (50) feet in width around the entire perimeter of the development. The buffer zone may include land area designated as a recreational site if determined to be appropriate by the SPGA. The buffer zone shall include natural vegetation, plantings, walls, fences or vegetated earthen berms to provide a screening barrier between the development and the abutting properties. Screening plantings shall be used in combination with fences or walls whenever fences or walls are used. Screening plantings shall be provided between the wall or fence and the abutting property. The buffer zone and its associated screening barrier shall be designated on the Special Permit plan. The detailed plan for planting and screening shall be prepared by a Registered Landscape Architect and shall be part of the Special Permit application.

The actual requirements regarding buffering, plantings, screening, and the like shall be determined by the SPGA as part of the Special Permit process.

(m). Within the ARPUD there shall be a community building(s) and recreational facility provided which shall be available to all residents and their guests. Commercial use of the community building(s) or facilities is specifically limited by this By-law to uses that will service the residents within the ARPUD. All commercial uses within the development shall be delineated as part of the Special Permit application and must be specifically approved by the SPGA as an integral part of the Special Permit.

(n). Within the ARPUD all roads, drainage systems and driveways shall be maintained by the permittee. They shall be kept passable and in good condition at all times. Snow and ice removal shall be done by the permittee as part of the normal road and driveway maintenance. It is intended that all improvements within the development remain in private ownership and be maintained by the permittee.

(o). Within the ARPUD no business of any kind is to be conducted unless specifically authorized by the Special Permit herein granted.

(p). Within the ARPUD the permittee shall be responsible for the disposal of all the solid waste(s) generated by the ARPUD by a method or system approved by the East Bridgewater Board of Health.

(q). Within the ARPUD the permittee shall maintain the system(s) for the subsurface disposal of sanitary wastewater as required by the East Bridgewater Board of Health.

(r). The ARPUD shall conform with the requirements for a self contained retirement community as established by Massachusetts General Laws, Chapter 151B, Section 4, Subsection 8, together with any amendment thereto.

(7). SPECIAL PERMIT PROCEDURES:

(a). The application for a Special Permit for a ARPUD shall be filed with the SPGA, with a copy of the application form filed with the Town Clerk. The application shall be accompanied by ten (10) copies of the Special Permit plan and all pertinent information required to support the subject application.

The Special Permit plan shall show the seal and signature of a Registered Professional Engineer or Registered Landscape Architect. Complete copies of the application and all documents shall be filed with the Board of Health, Water Commissioners and the Conservation Commission.

(b). The Special Permit plan shall provide sufficient detail to show the entire development, roadway systems, HOME SITES, HOME BLOCKS, community buildings and facilities, unit locations, buffer zones, open space and an analysis of the development showing compliance with site area, density and open space requirements.

(c). The Special Permit plan shall be prepared in general accordance with the Subdivision Regulations for a Definitive Plan even though the development does not constitute a subdivision.

(d). In addition, the Special Permit Plan shall show the proposed system for sanitary wastewater disposal, proposed screening plantings, wetlands, water bodies, flood zones, vegetative cover and other natural features.

(e). The Application shall also include a certified list of abutters.

(f). The Application package shall also include a narrative describing the tract of land, the surrounding neighborhood, and the possible impact(s) the development would have on the surrounding area. The narrative shall also include detailed information on the type of housing unit to be used in the development, community buildings, recreational facilities and information in regard to the proposed operation of the ARPUD including anticipated community rules and regulations.

(g). The Special Permit for the site plan shall only be issued by the SPGA following a Public Hearing held within sixty-five (65) days after the filing of the application. Any Board or Commission to which copies of the application was submitted for review, shall submit, in writing, any comments and/or recommendations as it deems appropriate to both the SPGA and the Applicant within forty-five (45) days of the receipt of said application. If no response is received within the forty-five (45) days, it shall be assumed by the SPGA that no response is required.

(h). The Special Permit granted under this By-Law shall lapse if not exercised within one (1) year after the Special Permit is granted, unless the SPGA extends the period (up to a maximum of three (3) years) following written request for extension by the licensee.

(i). The Special Permit granted under this section shall specify that construction of this ARPUD shall be phased such that actual residential unit construction does not exceed the following schedule:

- PHASE I (0-12 months from issuance of SPECIAL PERMIT):

Total number of building permits issued for dwelling units shall not exceed 50% (fifty percent) of the total number of dwelling units approved under this Special Permit.

- PHASE II (12-24 months from issuance of SPECIAL PERMIT):

Total number of building permits issued for dwelling units shall not exceed 75% (seventy-five percent) of the total number of dwelling units approved under this Special Permit.

- PHASE III (after 24 months from issuance of SPECIAL PERMIT):

Total number of building permits issued for dwelling units may equal the total number of dwelling units approved under this Special Permit.

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