



Office of the Town Clerk

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Harrison Mayotte
Town Clerk

CERTIFICATE OF VOTE
ARTICLE 3: Age Restricted Development
ANNUAL TOWN MEETING
TUESDAY, MAY 6th, 2025

I, Harrison C. Mayotte, Town Clerk of Townsend, Massachusetts, do hereby certify the following vote taken under Article 3 at the 2025 Annual Town Meeting of May 6th, 2025, held at Memorial Hall, 272 Main Street, Townsend, MA 01469, later continued to the North Middlesex Regional High School, 19 Main Street, Townsend, MA 01469. The meeting was called to order at 7:08 PM by Moderator John Barrett. There were 264 voters present which satisfied the quorum requirement of 75 voters.

ARTICLE 3. To see if the Town will vote to amend its Zoning Bylaw, being Chapter 145 of the Town Code, Article IX, entitled “Special Provisions,” Section 54.1, entitled “Age-restricted development,” as follows:

- (i) by striking from Subsection B, entitled “Applicability,” Item (1)(a), the word “Two” and by substituting therefor the word “One”;
- (ii) by striking from Subsection C, entitled “Basic requirements,” Item (5) in its entirety;
- (iii) by renumbering Items (6), (7) and (8) in said Subsection C as Items (5), (6) and (7), respectively, following the elimination of existing Item (5) as aforesaid; and the
- (iv) by thereafter adding to said Subsection C a new Item, to be numbered “(8),” stating as follows: “The Planning Board may in its reasonable discretion reduce, alter or waive any or all of the foregoing basic requirements upon demonstration by an applicant of just cause for such a reduction, alteration or waiver, provided that the Planning Board also finds that the reduction, alteration or waiver would advance the purpose of this section and further the public interest”;
- (v) by thereafter adding a new Section F entitled “Age Restriction” stating as follows: “All dwelling units constructed within an age-restricted development are intended for, and shall be restricted to, occupancy by households with at least one person who is fifty-five (55) years of age or older, and shall be operated accordingly, pursuant to, and except as may be exempted by, G.L. c. 151B, § 4(6), 42 U.S.C. § 3601, et seq., and 24 C.F.R. §§ 100.300-100.308. A restriction, in a form acceptable to the Planning Board, shall be recorded in the chain-of-title to the property upon which the age-restricted development is situated, prior to the issuance of any certificate of occupancy therefor, said restriction to be in perpetuity or for as long a period as may otherwise be allowed by law.”

or take any other action in relation thereto.

MOTION UNDER ARTICLE 3: I move that the Town vote to amend its Zoning Bylaw, being Chapter 145 of the Town Code, Article IX, entitled “Special Provisions,” Section 54.1, entitled “Age-restricted development,” as printed in the Warrant.

By: Laura Shifrin

Second: Voter on the Floor of Town Meeting

VOTE: Passed by two-thirds.

Motion was made and seconded on the floor to adjourn and dissolve the Annual Town Meeting at 10:05 pm on June 23rd, 2025.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Laura Shifrin", written over a circular stamp or seal.

Town Clerk

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

§ 145-54.1 Age-restricted development. Proposed Zoning Bylaw Amendment where ~~strike-throughs~~ are proposed to be removed and wording in **bold** are proposed to be added.

[Added 5-8-2021ATM by Art. 23]

A. Purpose. The purpose of this section is to provide for a variety of housing types, settings, and residential services to meet the needs of people as they age.

B. Applicability.

(1) In a Residential Aquifer District (RA), Residential B District (RB), Commercial District (C), Neighborhood Commercial District (NCD), Downtown Commercial District (DCD), or Outlying Commercial District (OCD), the Planning Board may grant a special permit for an age-restricted development in accordance with this § 145-54.1 on any tract of land meeting the following requirements.

(a) ~~Two~~ **One** or more acres of land;

(b) Minimum of 100 feet of frontage on a public way; and

(c) Public water available at the street frontage.

(2) An age-restricted development is intended for people age 55 or over. As such, buildings and site improvements in an age-restricted development shall provide for guest parking, public meeting areas, and universal design in accordance with the provisions of this section.

C. Basic requirements.

(1) An age-restricted development shall comply with the following density regulations:

Use	Maximum Density	Maximum Building Height (feet)
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Cottage dwellings or two-family dwellings	4 units/acre	32
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Townhouse dwellings	8 units/acre	32
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(2) Dwelling units can be attached, detached or any combination of these types.

(3) Buildings shall comply with a minimum setback of 20 feet from other structures in the development.

(4) For cottage dwellings, two-family dwellings, and townhouses, the minimum setback shall be 30 feet from all property lines in RA and RB Districts unless the Planning Board determines that a reduced setback is necessary to achieve the purposes of this section and will not have a detrimental impact on the neighborhood.

~~(5) Nothing in this section shall preclude the Planning Board from reducing or waiving minimum setback requirements between buildings or internal lots created within the age-restricted development upon demonstration of the applicant of just cause.~~

~~(5)-(6)~~ No dwelling unit in an age-restricted development shall have more than two bedrooms.

~~(6)-(7)~~ The minimum common open space in the development shall be 30% of the lot area, and not more than 25% of the required minimum common open space shall consist of wetlands. The upland open space shall be contiguous and usable by residents of the development. A permanent conservation restriction running to or enforceable by the Town shall be recorded for the common open space area and shall include restrictions that the land be retained in perpetuity for conservation or passive recreation.

~~(7)-(8)~~ Minimum off-street parking requirements shall be:

(a) Residential parking: two spaces per unit.

(b) Guest parking: one space per three units.

(8) The Planning Board may in its reasonable discretion reduce, alter or waive any or all of the foregoing basic requirements upon demonstration by an applicant of just cause for such a reduction, alteration or waiver”; provided that the Planning Board also finds that the reduction, alteration or waiver would advance the purpose of this section and further the public interest.

D. Age-appropriate design. An age-restricted development shall be designed to provide housing options in a setting that encourages and supports aging in community. Units must be accompanied by common meeting areas, guest parking, and be designed for people as they age. At minimum, these terms mean that an age-restricted development shall have the following features:

(1) Cottage, two-family, and townhouse units shall provide for:

(a) At least one zero-step entrance;

(b) Doorways with a thirty-six-inch clear passage space;

(c) Master bedroom and an accessible en suite bathroom located on the same floor as the kitchen, living room, and dining room, all being on the same floor as the zero-step entrance;

(d) Master bedroom and en suite bathroom designed and equipped for seniors and people with mobility impairments; and

(e) Parking.

(2) Outdoor facilities, such as walkways, gardens, and recreation areas, shall be designed for universal access.

E. Development standards. As part of the Planning Board's special permit review process, the Board shall evaluate the proposed age-restricted development for conformance to the following minimum design

standards:

- (1) Architectural planning and design shall incorporate energy efficient design techniques, such as natural heating and cooling systems, use of sun and wind energy generation systems, and so forth.
- (2) Structures located near the project property lines shall be designed and located in a manner that reflects consistency and compatibility with neighboring areas, and shall include appropriate use of building density, heights, and design to minimize any intrusion on neighbors.
- (3) Outdoor recreation or gathering areas, particularly those that may generate significant noise and/or light and glare, shall be located to minimize intrusion on neighboring properties.
- (4) Structures shall be clustered to reduce site disturbance and protect open spaces as well as naturally and environmentally sensitive areas.
- (5) Building design shall avoid use of long, unbroken facades, and shall include use of balconies, offset walls, trellises and other design elements to provide visual interest.
- (6) Building design, colors, and materials shall generally correspond to the natural setting of the project site and to any prevalent design styles that may occur in neighborhoods within the general project area.
- (7) The developer has applied for and received a stormwater management permit from the Planning Board in accordance with the Town's General Bylaw Chapter 85, NPDES Phase II Stormwater Management. Adequate provision will be made for the disposal of sewage, waste, and drainage in accordance with the requirements of the Board of Health.

F. Age Restriction. All dwelling units constructed within an age-restricted development are intended for, and shall be restricted to, occupancy by households with at least one person who is fifty-five (55) years of age or older, and shall be operated accordingly, pursuant to, and except as may be exempted by, G.L. c. 151B, § 4(6), 42 U.S.C. § 3601, *et seq.*, and 24 C.F.R. §§ 100.300-100.308. A restriction, in a form acceptable to the Planning Board, shall be recorded in the chain-of-title to the property upon which the age-restricted development is situated, prior to the issuance of any certificate of occupancy therefor, said restriction to be in perpetuity or for as long a period as may otherwise be allowed by law.

FG. Procedures.

- (1) The special permit application, public hearing, and decision procedures shall be in accordance with § 145-65 of this Zoning Bylaw.
- (2) The applicant shall submit an age-restricted development special permit application together with the size, form, number, and contents of the required plans and any supplemental information as required in the Planning Board's Rules and Regulations.

GH. Decision. The SPGA may grant a special permit for an age-restricted development pursuant to and in accordance with § 145-65F of this Zoning Bylaw, and upon a finding by the Board that the age-restricted development meets the purposes, requirements, and development standards of this § 145-54.1.

HI. Duration. Special permits granted under this section shall lapse in accordance with § 145-65G of this Zoning Bylaw.