



Town Clerk

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Hadley ATM 5-1-2025
Art. 13
Amend Section 27-Zoning
Overlay senior housing
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To Whom It May Concern:

At the Town of Hadley Annual Town Meeting that convened on May 1, 2025, at Hopkins Academy with a quorum of 100 present and declared dissolved on May 1, 2025, by the Moderator, the following article was so voted:

Article 13 Motion was made and seconded that the Town amend the Town's Zoning Bylaw by amending Section XXVII (Senior Housing Overlay District) as set forth in Article 13 in the warrant.

The Moderator declared Article 13 passed unanimously.

Planning Board Recommends 4-0-1. Oral presentation.

Attest:

Jessica Spanknebel
Town Clerk
Hadley, MA

*see attached

SECTION XXVII Senior Housing Overlay District

[Added 5-1-2008 ATM by Art. 26]

§ 27.1. Purpose.

The purposes of the Senior Housing Overlay District are:

- 27.1.1. To provide a variety of housing choices for persons who are 55 years of age and older;
- 27.1.2. To provide well-designed, affordable homes for residents who wish to remain in the community;
- 27.1.3. To recognize the importance of diversity and variety in the design of senior housing developments;
- 27.1.4. To provide types of housing which reduce residents' burdens of building and yard maintenance and which reduce demands on municipal services;
- 27.1.5. To promote flexibility in land use planning in order to strengthen neighborhoods, improve site layouts, and protect natural features and environmental values;
- 27.1.6. To provide for a greater variety of uses and building types at a higher density than would normally be allowed, and allowing greater flexibility in site planning so as to promote affordable housing and the preservation of open space and historic resources within the development; and
- 27.1.7. To provide for the review of all such proposals prior to construction, to ensure compliance with the above intent and objectives and to assure that the proposal will not result in or contribute to incompatible use of the land, pollution of the soil or groundwater, traffic congestion or inappropriate site development.

§ 27.2. Vision statement.

Recognizing the need for senior housing in the Town of Hadley and the surrounding area, this Bylaw shall serve to provide for that need by allowing Senior Housing Developments within Town that provide for a range of living arrangements from single-family housing, senior housing apartments, congregate care housing, to assisted living units.

§ 27.3. Applicability.

The Planning Board (hereafter in this section shall be called the "Board"), acting as Special Permit granting authority, may grant a Special Permit for construction of Senior Housing and accessory structures in the Senior Housing Overlay District as defined below.

- 27.3.1. The Senior Housing Overlay District shall consist of the areas specified as Central Senior Housing Overlay District and Rural Senior Housing Overlay District as delineated on the Hadley Zoning Map. Collectively, the Central Senior Housing Overlay District and the Rural Senior Housing Overlay District shall be known as the Senior Housing Overlay District. All provisions of the Senior Housing Overlay District Bylaw shall apply to both the Central Senior Housing Overlay District and Rural Senior Housing Overlay District unless specifically stated otherwise.
- 27.3.2. Applicability standards for a Senior Housing Development.
 - 27.3.2.1. Lot has a minimum of 50 feet of frontage on an approved Town way.
 - 27.3.2.2. Hadley public sewer and water services are available at the street frontage.

- 27.3.3. Uses in the Senior Housing Overlay District developments.
- 27.3.3.1. Permitted uses. All uses permitted as of right in the underlying zoning district shall be permitted in the Senior Housing Overlay District.
- 27.3.3.2. Uses allowed by Special Permit. In addition to those uses allowed by Special Permit in the underlying zoning districts, a Senior Housing Development shall be allowed by Special Permit in the Senior Housing Overlay District. Upon approval by the Board, a Senior Housing Development may include:
- 27.3.3.2. 1 Single-family detached dwelling units.
 - 27.3.3.2. 2 Duplex or two-family dwelling units.
 - 27.3.3.2. 3 Triplex or three-family dwelling units.
 - 27.3.3.2. 4 Quadruplet or four-family dwelling units.
 - 27.3.3.2. 5 Buildings containing more than four dwelling units in the Central Senior Housing Overlay District.
 - 27.3.3.2. 6 Congregate care dwelling units.
 - 27.3.3.2. 7 Assisted living dwelling units.
 - 27.3.3.2.8 Accessory retail uses. The total amount of building floor area used for accessory retail uses shall not exceed 1,500 total square feet.
 - 27.3.3.2.9 Upon approval by the Board, a Senior Housing Development may also include a community center or community building(s) intended for use and benefit of the residents of the Senior Housing Development, provided that such use(s) shall occupy not more than 10% of the gross building floor area constructed within the approved Senior Housing Development, and only if the Board finds that adequate assurances and covenants exist to ensure proper maintenance of such facilities by the residents, owners or their agents and that the residents, owners or their agents will bear all expenses related thereto.

§ 27.4. Conversion of Existing Structures to Senior Housing. See § III, Note 7.
[Amended 5-22-2021 ATM by Art. 4]

§ 27.5. Standards.

The following standards shall apply to all Senior Housing Developments:

- 27.5.1. Age qualification. A Senior Housing Development shall constitute housing intended for persons of age 55 or over within the meaning of MGL c. 151B, § 4, Subsection 6, and 42 U.S.C. § 3607(b)(2)(c), and in accordance with the same, 100% of the dwelling units in a Senior Housing Development shall each be occupied by at least one person 55 years of age or older per dwelling unit. In the event of the death of the qualifying occupant(s) of a unit, or foreclosure or other involuntary transfer of a unit in a Senior Housing Development, a two-year exemption shall be allowed for the transfer of the unit to another eligible household.

27.5.2. Applicant qualifications. The applicant for a Special Permit for a Senior Housing Development shall be the owner of the land proposed for such development or be authorized in writing by the owner to apply for and be issued such Special Permit.

27.5.3. Number of dwelling units and bedrooms permitted. The maximum number of dwelling units and bedrooms permitted in a Senior Housing Development shall not exceed: [Amended 5-7-2009 ATM by Art. 32]

27.5.3.1. In the Rural Senior Housing Overlay District:

27.5.3.1(a) One dwelling unit per 7,260 square feet; and

27.5.3.1(b). Fourteen bedrooms per acre.

27.5.3.1(c). Up to five bedrooms per acre shall be permitted by right. The Planning Board may permit over five bedrooms per acre according to the Table of Exchange Standards in Section XVII. All calculations of dwelling units resulting in a fractional unit of 1/2 or more shall be rounded up to the next whole number, all others being rounded down.

27.5.3.2 In the Central Senior Housing Overlay District:

27.5.3.2(a) One dwelling unit per 4,350 square feet, unless such maximum is waived, in the discretion of the Planning Board, upon a finding that the proposed project would not be substantially more detrimental to the neighborhood than if such a maximum was not exceeded. All calculations of dwelling units resulting in a fractional unit of 1/2 or more shall be rounded up to the next whole number, all others being rounded down.

27.5.4. Maximum number of senior housing dwelling units in the Town of Hadley. The maximum number of permitted housing units within all permitted senior housing developments in the Town of Hadley shall be limited to a number equivalent to 10% of the existing single-family residential housing units (excluding Senior Housing Development units) located in the Town of Hadley. For the purpose of this bylaw, the number of single-family residential housing units shall be as established by the Board of Assessors as of January 1 of the calendar year.

The Board may waive this limitation if the Board finds that the proposed development fulfills a critical senior housing need for the Town of Hadley or the surrounding region.

27.5.5. Building and dwelling unit requirements. The following requirements shall apply to all buildings and dwelling units in a Senior Housing Development:

27.5.5.1. Maximum dwelling units per building. No building shall contain greater than fifty (50) dwelling units, except that in the Rural Senior Housing Overlay District, no building shall contain greater than four dwelling units.

27.5.5.2. Maximum number of bedrooms. No dwelling unit shall contain more than two bedrooms.

27.5.5.3. (Reserved) Amended 10-27-2016 STM by Art. 19

27.5.5.4. Minimum number of dwelling units. A Senior Housing Development shall contain at least eight dwelling units.

27.5.5.5. Maximum number of dwelling units. A Senior Housing Development shall not contain more than 50 dwelling units.

27.5.6. Dimensional requirements.

27.5.6.1 There shall be no minimum standards for internal lot line setbacks within the Senior Housing Development, unless required by the Board in its issuance of a Special Permit based on specific findings that there is need for greater physical separation of specific buildings or uses.

27.5.6.2 The lot or combination of lots upon which a Senior Housing Development is located shall meet the dimensional requirements in § 4.2. The Planning Board may waive any or all of the dimensional requirements when, in the judgment of the Board, such action is in the public interest and not inconsistent with the Senior Housing Overlay Bylaw. [Amended 10-27-2016 STM by Art. 19]

27.5.7. Distribution of dwelling unit types. In a Senior Housing Development, the distribution of dwelling unit types shall be at the discretion of the applicant, except for the following standards:

27.5.7.1. In the Rural Senior Housing Overlay District, no more than 50% of the dwelling units constructed shall be four-family dwellings.

27.5.7.2. In the Rural Senior Housing Overlay District, at least 10% of the units constructed shall be single-family or two-family dwellings.

27.5.8. Affordability requirement. All projects must comply with the requirements and provisions of Section XXV, Inclusionary Zoning. [Amended 5-3-2018 ATM by Art. 21]

27.5.9. Accessory buildings and structures. In a Senior Housing Development, accessory buildings and structures may be permitted, including clubhouse, swimming pool, tennis court, cabanas, storage and maintenance structures, garages, and other customary accessory structures. Accessory buildings and structures shall be shown on the site plan.

27.5.10. Parking. Parking for motor vehicles shall be provided as follows:

27.5.10.1. Two spaces per dwelling unit, unless reduced by the Planning Board upon a showing of alternative transportation access, but not less than one space per dwelling unit.

27.5.10.2. Guest parking: one space per four dwelling units, unless reduced by the Planning Board upon a showing of alternative transportation access.

27.5.10.3. Common facility parking: additional parking spaces shall be provided at shared or common facilities (swimming pool, clubhouse, etc.) within the Senior Housing Development provided that no common facility lot shall contain more than 12 spaces, unless modified by the Planning Board upon a showing of alternative transportation access or need.

27.5.11. Private roads. Roads and driveways within a Senior Housing Development shall meet such width, grades, radius of curvature and construction standards as the Planning Board shall determine, based upon the standards provided in the Hadley Subdivision Regulations. These standards may be waived or modified by the Planning Board to meet site conditions or specific design requirements or to promote a physical development plan that is in keeping with the character of the surrounding neighborhood. The construction and maintenance of roads, driveways, alleyways, and parking areas in a Senior Housing Development are the sole responsibility of the project applicant or an association of dwelling unit owners.

- 27.5.12. Other facilities. All facilities for utility services, drainage, lighting and signage shall be in accordance with requirements established by the Planning Board, consistent with applicable provisions of Hadley Zoning Bylaw and the Hadley Subdivision Regulations
- 27.5.13. Project maintenance. In a Senior Housing Development there shall be a management company in the case of rental units or an organization of the owners of the residential dwelling units, either a condominium or homeowners' association, which shall be responsible for the maintenance and repair of internal roads and driveways, snowplowing, landscape maintenance, trash removal, utility services and maintenance and repair of other common elements and facilities serving the residents. The Town of Hadley shall assume no responsibility for these facilities unless specifically noted under separate agreement.
- 27.5.14. Wastewater disposal. In every development wastewater disposal shall comply with the regulations of the Hadley Board of Health and applicable Massachusetts Department of Environmental Protection regulations. No Senior Housing Development shall be approved that is not served by the public sewer system.
- 27.5.15. Water supply. No Senior Housing Development shall be approved that is not served by the Hadley public water supply system.

27.5.16 Footprint limitation. Within the Central Senior Housing Overlay District which exists within the Village Center Overlay District, Section 19.2.9.2 of the Hadley Zoning Bylaw may be waived by the Planning Board upon a determination that the appearance of the building is suitable for the neighborhood taking into consideration, without limitation, the building setback, shielding, landscaping, and massing when viewed from public ways.

§ 27.6. Open Space.

No development, including clearing, primary or accessory structures, parking, wastewater disposal or stormwater management, shall take place within the required open space areas as provided below:

- 27.6.1. All Senior Housing Developments shall be subject to Section XVII, Farmland Preservation Bylaw, of the Hadley Zoning Bylaw.
- 27.6.2. Open space required: minimum 15% of total site which shall supersede the underlying zoning district requirement. In this area, the open space areas shall be selected to maximize the value of wildlife habitat, shall be contiguous to the extent required to preserve significant habitat, and shall be configured to minimize the perimeter to surface area ratio in order to preserve large blocks of undisturbed land. The open space shall be left in an undisturbed, natural state. Landscape plantings shall not be permitted, except in areas where revegetation may be necessary as determined by the Planning Board. If revegetation of any area is within the jurisdiction of the Conservation Commission, the Commission shall determine the type and extent of plantings, to be compatible with the values and functions of the wetland and upland resources of the site. The Planning Board may waive open space requirements, except the 15%, of this section when in the judgment of the Board such action is in the public interest and not inconsistent with the Senior Housing Overlay Bylaw. [Amended 5-7-2009 ATM by Art. 32]

27.6.3. Ownership of open space. The open space shall be owned in common by the owner(s) of the dwelling units in the Senior Housing Development, or by an organization or entity owned and controlled by such dwelling unit owner(s), or may be conveyed to the Town or another nonprofit organization whose principal purpose is the preservation of open space, for conservation purposes. A conservation restriction enforceable in perpetuity shall be recorded on all open space parcels providing that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking, roadway or active recreation.

§ 27.7. Design criteria.

A Senior Housing Development shall adhere to the following design criteria established to ensure a livable and attractive senior community:

- 27.7.1. Natural and neighborhood features. The plan for a Senior Housing Development shall be designed to maximize the preservation of natural and neighborhood features. To the extent possible, existing vegetation should be retained where such growth provides a benefit to the natural environment. In developed areas, the design of the Senior Housing Development shall also consider human-designed landscapes by extending existing street tree plantings and by providing landscapes and landscape amenities that reinforce the physical layout of the neighborhood.
- 27.7.2. Pedestrian facilities. The plan for a Senior Housing Development shall incorporate pedestrian systems that allow for the convenient and safe movement of those who choose to walk for leisure or as a means of transportation. Connections to the Town's existing or planned sidewalk network shall be made by the applicant where possible.
- 27.7.3. Transit access. The applicant shall make every reasonable effort to ensure adequate access to transit routes, including bus stops, from the Senior Housing Development.
- 27.7.4. Landscaping and screening. All service areas and equipment, rubbish and recycling containers, service outbuildings, and any other accessory facilities identified by the Planning Board shall be adequately screened from the view of public ways and adjacent properties using vegetative plantings, fencing, berms, or a combination of these techniques.
- 27.7.5. Architectural appearance. All buildings shall conform to appearances as detailed in Section XIX, Village Center Overlay District, of the Hadley Zoning Bylaw. Architectural style shall be consistent with the historic structures in the Hadley Town center and shall include peaked roofs; exteriors faced with the appearance of wooden clapboards, brick or stone; and differentiated facade treatments.

§ 27.8. Procedures.

The procedure for issuance of a Special Permit for a Senior Housing Development shall be as follows, provided, however, that the Planning Board may waive any requirements of this section when in the judgment of the Board such action is in the public interest and not inconsistent with the Senior Housing Overlay Bylaw:

- 27.8.1. Pre-application. The applicant is strongly encouraged to request a pre-application review at a regular meeting of the Board. The purpose of a pre-application review

is to minimize the applicant's costs of engineering and other technical experts and to commence negotiations with the Board and/or its technical experts and set a timetable for submittal of a formal application. Preliminary submission is very strongly encouraged by the Board as a way of helping applicants and officials develop a better understanding of the site and to help establish an overall design approach that respects the site's noteworthy features while providing for the density permitted under the Senior Housing Zoning Bylaw. In order to facilitate review of the proposed senior housing at the pre-application stage, applicants shall submit a conceptual plan. A conceptual plan shall be submitted regardless of the applicant requesting a pre-application meeting.

27.8.2. Conceptual plan. The submission requirements for a conceptual plan shall consist of the following three elements and shall be prepared in accordance with the drafting standards and plan requirements described herein:

27.8.2.1. Site context plan. A plan showing the location of the proposed development within its neighborhood context shall be submitted. For sites less than 100 acres in area, such plans shall be at a scale not less than one inch equals 200 feet and shall show the relationship of the subject property to natural and man-made features existing within 1,000 feet of the site. For sites of 20 acres or more, the scale shall be one inch equals 400 feet and shall show the above relationships within 2,000 feet of the site. The features that shall be shown on site context plans include topography (from United States Geological Survey plans), stream valleys, wetland complexes, woodlands, high points, knolls and ridgelines, public roads and trails, utility easements and rights of way, public land, and land protected under conservation easements or other methods of protection. All information may be obtained from existing resources.

27.8.2.2. Existing resources and site analysis plan. For all developments under this bylaw, an existing resources and site analysis plan shall be prepared to provide the developer and the Board with a comprehensive analysis of existing conditions, both on the proposed development site and within 500 feet of the site. This plan may be presented to the Board as an informal preliminary step prior to the formal application process. All information for off-site characteristics may be obtained from existing resources. The Board shall review the plan to assess its accuracy, conformance with Town Bylaws and regulations, and likely impact of the proposed development upon the natural and cultural resources on and abutting the property. Such plans shall generally be prepared at a scale that would best fit on a single standard size sheet (27 inches by 36 inches). The following information shall be included in this plan:

27.8.2.2.1 A vertical aerial photograph enlarged to a scale not less detailed than one inch equals 400 feet, with site boundaries clearly marked;

27.8.2.2.2 Topography, the contour lines of which shall generally be at two-foot intervals (although ten-foot intervals are permissible beyond the parcel boundaries, interpolated from USGS maps). Slopes between 15% and 25% and exceeding 25% shall be clearly indicated;

27.8.2.2.3 The location and delineation of rivers, lakes, ponds, streams, ditches, drains, vernal pools, and natural drainage swales, as well as the one-hundred-year floodplains and wetlands;

27.8.2.2.4 Vegetative cover conditions on the property according to general cover type, including cultivated land, meadow, pasture, woodland, and wetland, trees with a diameter at breast height (dbh) in excess of 15 inches, the actual canopy line of existing trees and woodlands. Vegetative types shall be described by plant community, relative age, and condition;

27.8.2.2.5 Soil series, types, and phases, as prepared by the U.S. Department of Agriculture, Natural Resources Conservation Service, in the published soil survey for the county, and accompanying data published for each soil relating to its suitability for construction;

27.8.2.2.6 Ridgelines and watershed boundaries;

27.8.2.2.7 A viewshed analysis showing the location and extent of views into the property from public roads and from public lands;

27.8.2.2.8 Geologic formations on the property;

27.8.2.2.9 All existing man-made features, including but not limited to roads, driveways, trails, buildings, foundations, walls, wells, drainage fields, dumps, utilities, fire hydrants, and storm and sanitary sewers;

27.8.2.2.10 Locations of all historically significant sites or structures on the property, including but not limited to cellar holes, stone walls, earthworks, and graves; and

27.8.2.2.11 All easements and other encumbrances of property which are or have been filed of record with the Registry of Deeds.

27.8.2.3. Four-step design process. All conceptual plans shall include documentation of the four-step design process outlined below, conducted by a professional landscape architect, in determining the layout of proposed open space, building sites, streets, and pedestrianways:

Step 1: Identification of Open Space Lands

The minimum percentage and acreage of required open space shall be calculated by the applicant and submitted as part of the conceptual plan in accordance with the provisions of this bylaw. Primary open space lands (such as wetlands, riverfront areas, and floodplains) shall be identified and secondary open space lands (including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows,

wildlife habitats, and cultural features such as historic and archaeological sites and scenic views) shall be identified and delineated.

Potentially developable lands shall be identified and delineated. To the maximum extent possible, the potentially developable lands shall consist of land outside identified primary and secondary open space areas.

Step 2: Location of Building Sites

Appropriate building sites shall be located within the potentially developable land area and shall include the identification of yards and shared amenities, so as to reflect an integrated community.

Step 3: Location of Streets and Pedestrian ways

Streets shall be aligned to access the shall be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, and trails.

Step 4: Location of Lot Lines

If applicable, lot lines shall be drawn.

- 27.8.3. Historic certification. The Senior Housing Development application shall be accompanied by a certification from the Historical Commission, or historic consultant approved by the Board, of all historically and/or architecturally significant buildings, landscape features and supporting structures located on site.
- 27.8.4. Formal application for Special Permit. Any applicant who desire a Special Permit for construction of a Senior Housing Development shall submit a written application to the Planning Board. Each such application shall be accompanied by the following information:
- 27.8.4.1. Identification of applicant; information as to the record title to the tract; identification of applicant's professional and development associates.
 - 27.8.4.2. A site plan showing, insofar as pertinent, all of the information required for a definitive subdivision plan, as specified in the Town of Hadley Subdivision Regulations, and showing the following additional information:
 - 27.8.4.2.1 Soil characteristics as shown on Natural Resources Conservation Service Maps;
 - 27.8.4.2.2 Resource areas as defined by MGL c. 131, § 40, and delineation of the official wetland area boundaries as accepted by the Hadley Conservation Commission;
 - 27.8.4.2.3 Existing floodplain boundary lines;
 - 27.8.4.2.4 Existing and conceptually proposed locations of buildings containing dwellings and other buildings;
 - 27.8.4.2.5 All setback lines;
 - 27.8.4.2.6 Existing and proposed roads, driveways, alleys, and parking;
 - 27.8.4.2.7 Proposed pedestrian network, including connections to existing sidewalk and trail systems;

- 27.8.4.2.8 Lighting;
- 27.8.4.2.9 Signs;
- 27.8.4.2.10 Proposed and existing wells and wastewater disposal systems on the parcel and abutting properties if such systems are within 200 feet of the property line;
- 27.8.4.2.11 Existing and proposed topography at two-foot contour intervals;
- 27.8.4.2.12 Existing and proposed landscape features (such as trees, fences, walks, planting areas, type, size and location of planting materials, and methods to be employed for screening);
- 27.8.4.2.13 The proposed use of the common land, including improvements intended to be constructed thereon;
- 27.8.4.2.14 The proposed ownership of all common land and open land; and
- 27.8.4.2.15 Any other information required by the Planning Board.
- 27.8.4.3.A schedule of the stages or phases of development which the applicant proposes to construct the development, including dates.
- 27.8.4.4. Sample floor plans of dwellings; elevation drawings and three-dimensional renderings (or physical models) of dwellings; schedule of building materials.
- 27.8.4.5. Plans showing proposed methods of stormwater management, including drainage calculations.
- 27.8.4.6. Plans showing proposed water supply and wastewater disposal pipes and appurtenant facilities.
- 27.8.4.7. Copies of the condominium association or other legal structure formed for the operation, maintenance, management and enforcement of the Senior Housing Development, including a master deed and bylaws of the organization. All such documentation shall include a reference to the objectives of the Senior Housing Development and the requirement for 100% of the units to be owned and occupied by at least one person age 55 or over. All such legal documents shall be approved by Town Counsel.
- 27.8.4.8. A traffic impact study, including:
 - 27.8.4.8.1 Description and illustration of traffic flow patterns at the site, including entrances and egresses, loading and unloading areas, and curb cuts on site and within 100 feet of the site.
 - 27.8.4.8.2 A detailed assessment of the traffic safety impacts of the proposed project on the carrying capacity of any adjacent highway or road, including the projected number of motor vehicle trips to enter or depart from the site estimated for daily hour and peak hour traffic levels, road capacities, and impacts on intersections.

27.8.4.8.3 A plan to minimize traffic and safety impacts through such means as physical design and layout of the project, promoting use of public transit, or other appropriate means.

27.8.4.8.4 An interior traffic and pedestrian circulation plan designed to minimize conflicts and safety problems on the site.

27.8.5. Reports from Town Boards or agencies. The Planning Board shall transmit forthwith a copy of the application and plan(s) to the Board of Selectmen, Board of Health, Conservation Commission, Park and Recreation Commission, Board of Assessors, Building Inspector, Fire Department, DPW/Highway Division, and Police Department. Failure of any such board or agency to make a written recommendation or submit a written report within 35 days of receipt of the application shall be deemed a lack of opposition. The applicant shall also be required to provide additional copies of the application and plan(s) to the Board's consulting engineer(s) for review. The cost of such review shall be paid by the applicant.

§ 27.9. Planning Board Action.

The Planning Board shall not grant a **Special Permit** for a **Senior Housing Development** unless it shall, after holding a public hearing in accordance with requirements of MGL c. 40A, find that:

27.9.1. The **Senior Housing Development** complies with the purposes of this Bylaw as stated herein;

27.9.2. The **Senior Housing Development** is in an appropriate location and does not significantly adversely impact the character of the neighborhood;

27.9.3. Adequate and appropriate facilities will be provided for the proper operation of the **Senior Housing Development**;

27.9.4. The **Senior Housing Development** use would not be detrimental or offensive to the adjoining zoning districts and neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse materials or other visual nuisances;

27.9.5. The **Senior Housing Development** use would not cause undue traffic congestion in the immediate area;

27.9.6. The **Senior Housing Development** responds to the recommendations of Town boards and agencies; and

27.9.7. The granting of the **Special Permit** would not result in unsuitable development of the land in question.

§ 27.10. Special Permit Conditions.

The Planning Board shall set forth requirements and conditions in its **Special Permit** decision such that before a building permit is issued for any buildings in any stage or phase of the **Senior Housing Development**, the following must occur:

27.10.1. The applicant shall have submitted to the Planning Board detailed plans showing the locations, designs and layouts of such buildings and all driveways and accessory structures included in such stage or phase;

- 27.10.2. The applicant shall have provided security by covenant, bond or other means satisfactory to the Planning Board securing the construction and installation of driveways, utilities, drainage and related services in such phase; and
- 27.10.3. The Planning Board shall have so notified the Building Inspector of its review and approval of each phase. The Planning Board may, in a **Special Permit** for a **Senior Housing Development**, set forth further requirements and conditions as the Board shall deem appropriate to accomplish the purposes of this bylaw, including requirements of recording of plans and documents and report thereof to the Board.

§27.11. Rules, Regulations and Fees.

The Planning Board may adopt, and from time to time amend, rules and regulations consistent with the provisions of this Zoning Bylaw, MGL c. 40A, and other applicable provisions of the General Laws and shall file a copy of said rules and regulations with the Town Clerk. Such rules and regulations shall, subject to and in accordance with provisions of this bylaw, prescribe as a minimum the size, form, contents, style and number of copies of plans and specifications, the Town boards or agencies from which the Planning Board shall request written reports and the procedure for submission and approval of a **Senior Housing Development Special Permit**. The Planning Board shall also specify the fees to be paid in connection with an application for **Special Permit** for a **Senior Housing Development**, bonding requirements to satisfy conditions of approval, and owner/occupancy reporting requirements to satisfy compliance with the age restriction. Other specifications as deemed necessary by the Planning Board may be included in the rules and regulations.

§ 27.12. Construction.

A **Special Permit** for a **Senior Housing Development** shall expire for either of the following conditions, unless extended by the Board for good cause:

- 27.12.1. Failure to begin construction within 12 months of date of issue of **Special Permit** by the Board; or
- 27.12.2. Failure to accomplish substantial completion of a **Senior Housing Development** within 24 months of date of issue of **Special Permit** by the Board.

§ 27.13. Definitions. See § 1.2. [Amended 5-22-2021 ATM by Art. 3]