

K. ACTIVE ADULT RESIDENTIAL DEVELOPMENT (“AARD”) and ACTIVE ADULT RESIDENTIAL CLUSTER (“AARC”)

1. Definition Definitions And Applicability

a. An Active Adult Residential Development (“AARD”) is an alternative type of residential development in which, except as hereinafter provided, permanent occupancy of the dwelling units shall be restricted to persons 55 years of age or older, and in which at least 10% of the total number of dwelling units shall be affordable for purchase or lease by persons of low income, as defined in 760 CMR 4556.02, provided however, that some or all of the affordable units may not be age-restricted. Customary, non-commercial accessory uses shall also be allowed as part of an AARD. However, no accessory retail or other commercial use or nursing care facilities shall be allowed in an AARD.

An AARD is an allowable use in the Single Family Residence District (A), Single Family Residence District (B), and Business District (B), with Concept Plan approval by two-thirds vote of the Town Meeting and subsequent Special Permit with Site Plan Approval issued by the Planning Board.

b. An Active Adult Residential Cluster (“AARC”) is an alternative type of small-scale, residential development of single-family dwellings on a single lot, in close proximity to public transportation and designed to be integrated into a neighborhood setting. In an AARC, each of the dwelling units shall be owned and permanently occupied by at least one person aged 55 or older, and at least 12.5 % of the dwelling units shall be affordable for purchase by persons of low or moderate income, and eligible for inclusion on the Town’s Subsidized Housing Inventory, as defined by 760 CMR 56.02, and subject to a deed restriction for such purposes. Customary residential accessory structures are also allowed.

An AARC is an allowable use in the Single Family Residence Districts (A), (B), (C) and (D), with Concept Plan approval by two-thirds vote of the Town Meeting and subsequent Site Plan Approval by the Planning Board consistent with Section 6.d herein, provided that the AARC tract is located within 500-feet of an active station or stop on the MBTA Commuter Rail line as measured in a straight line between a lot line of the AARC tract and the nearest boarding platform or its equivalent. Any AARC Concept Plan submitted to the Planning Board after September 1, 2020 shall be subject to the following additional requirements: (a) locate a minimum of 1.5 miles from any multi-family residential development containing more than three dwelling units on a single lot, such distance to be measured in a straight line from the nearest lot line of the AARC to the lot line of the housing development; (b) obtain a Special Permit/Site Plan Approval consistent with Section 6.c herein; and (c) not include any land which is subject to an existing, unexecuted permit for another type of residential development or use, including any pending permit under appeal.

## 2. Purposes

The purposes of an AARD and an AARC are to:

- a. Provide alternative housing for a maturing population;
- b. Provide a type of housing which reduces residents' burdens of property maintenance and which reduces demands on municipal services;
- c. Encourage the development of affordable housing for active adults with low and moderate income, as defined in 760 CMR 45.02; and
- d. Promote flexibility in site planning while protecting natural features, scenic views into property, protect existing vegetation and land forms and utilization of land in harmony with neighboring properties.

An additional purpose of the AARC is to encourage the use of mass transit by providing an option for higher residential density close to the MBTA commuter rail stops.

## 3. Minimum Tract Size

a. Exclusions: for purposes of this Bylaw, the term "Exclusions" shall include the following:

- i. the wetlands resource areas listed in 310 CMR 10.02, 1, a through e;
- ii. the first (inner) 100 feet of the Riverfront Area as defined in 310 CMR 10.58;
- iii. land included in the Town's Wetland and Flood Plain Protection District;  
and
- iv. easements.

b. No tract of land may be used for an AARD unless it contains at least 40 acres of contiguous land, exclusive of ~~the Exclusions in Section 3.a above. (a) the wetlands resource areas listed in 310 CMR 10.02, 1, a through e, (b) the first (inner) 100 feet of the Riverfront Area as defined in 310 CMR 10.58, and (c) land included in the Town's Wetland and Flood Plain Protection District (collectively, the "Exclusions").~~

c. No tract of land may be used for an AARC unless it contains at least 2 ½ acres, but not more than 4 acres, of contiguous land, inclusive of the Exclusions. Once an AARC has received Concept Plan Approval from Town Meeting, it shall not be expanded in size through the acquisition of any additional parcels.

## 4. Concept Plan

The first step in obtaining approval of an AARD or an AARC is to submit a Concept Plan to the Planning Board. The purpose of the Concept Plan is to present the proposed project to Town Meeting in such a way ~~so~~ that the Town can compare the impacts from a proposed

AARD or AARC to the impacts from a by-right use development, and decide whether ~~this~~the proposed development is a suitable use for the tract.

a. The Concept Plan for an AARD shall include: ~~(4~~

(i) Preliminary Site Plan which provides a conceptual layout for ~~the AARD~~the development project, including tree survey, trees required for removal, roadway, driveway and walkway locations, location of utilities, grading plans for dwellings, roads, driveways, walkways, location of waste water treatment structure(s), storm water management structures and associated grading, general landscaping, and exterior lighting; ~~(2~~

(ii) Preliminary Architectural Plans and Elevations; ~~(3~~

(iii) Traffic Analysis ~~of the AARD;~~ ~~(4;~~

(iv) A Municipal Impact Analysis ~~of the AARD;~~ ~~(5;~~

(v) Site Impact Analysis ~~of the AARD;~~ ~~(6;~~

(vi) In addition, in order to compare the impact of the ~~AARD~~development project to the impact of the by-right use or other development for which zoning approval has been granted in the zoning district(s), the Concept Plan shall also include: a Preliminary Site Plan/Site Impact Analysis, a Traffic Analysis, and a Municipal Impact Analysis for ~~the~~a “By-Right” Plan. An element of the Concept Plan review shall be a comparison of the proposed AARD with the by-right residential use or any other development for which zoning approval has been granted in the underlying Zoning District(s) in which the development tract is located.

The plans and supporting material submitted to the Planning Board and Town Meeting shall be sufficiently detailed to enable the Planning Board and Town Meeting to evaluate and compare the impacts of the ~~AARD~~proposed project and a By-Right project. ~~The submission requirements for the Concept Plan shall be specified in rules and regulations to be adopted by the Planning Board.~~

~~The AARD~~b. The Concept Plan submission for an AARC shall include items (i) and (ii) described in subsection 4.a above, as well as comparative analysis of the proposed AARC to either a “By-Right” Plan or any other development for which zoning approval has been granted at a higher density than would be allowed by right.

c. The submission requirements for the AARD and AARC Concept Plans may be specified in rules and regulations to be adopted by the Planning Board.

## 5. Design Guidelines and Standards.

The AARD and AARC By-law provides some design flexibility in order to encourage developers to work with the land; however, the Concept Plan for an AARD or AARC development shall be evaluated according to the following General Design Guidelines and Standards:

a. General Design Guidelines

(i) Site Design

The development shall be sensitive to the land and take into consideration existing natural resources including but not limited to the following: land forms, woodlands, wetlands, vernal pools, and geological features. Tree and soil removal shall be minimized [to the greatest extent practicable](#).

The development shall be sensitive to man-made architectural and historical resources including but not limited to the following: historic buildings, trails, stone walls, and scenic views into the property from the public way.

The development shall take into account Low Impact Development techniques for storm water management and shall incorporate “green” principals in building materials, systems, and site design. Where possible, buildings shall be located to take advantage of solar and wind orientation.

(ii) Relationship to Neighboring Properties

The tract shall be developed in consideration of neighboring properties in regard to scale, character, impact, drainage and storm water runoff.

Awareness of the development, particularly a higher density development, shall be minimized by screening views of the development from nearby streets, adjacent neighborhoods, conservation land and Town properties by the effective use of existing landforms, alterations thereto, berms and by existing vegetation and supplemental plantings.

[Retaining walls within setbacks for any AARC Concept Plan submitted to the Planning Board after September 1, 2020 shall not exceed three feet in height individually, and five feet in the aggregate.](#)

Open space shall be located and designed so as to increase the visual amenities of the abutting neighborhoods as well as for occupants of the development.

The number of access points to the Town’s system of primary and secondary streets shall be minimized and the location of intersections with primary and secondary streets shall be such to minimize traffic congestion.

(iii) Landscape Design

The natural character and appearance of the Town shall be maintained or enhanced insofar as practical. Landscape design ~~for the AARD~~ shall reflect the desire of Weston residents to preserve the Town’s rural character by avoiding formal manicured landscape treatments, especially where visible from the roadways, public trails and abutting properties. [Use of native regional plant species shall be preferred. The Landscape design shall reflect the](#)

current best practices in sustainable landscaping to increase wildlife habitat and enhance energy and water conservation.

A ~~dense~~ vegetative buffer around the ~~entire~~ perimeter of the tract shall be required to screen the AARDdevelopment from existing roads and adjacent properties. The buffer shall contain existing trees and vegetation. The depth of the buffer may vary but it must provide substantial visual screening and will be classified as a no-cut zone.

In AARD projects where the vegetative perimeter buffer does not screen portions of the development from existing roads and adjacent properties due to topography, additional screen plantings in the interior of the tract will be required.

~~(iv)~~In AARC projects, supplementation of the existing vegetation in the buffer with the installation of extensive landscaping or other visual screening will be required to maximize screening of the development from abutting residential properties and Scenic Roads.

#### (iv) Architecture

Buildings shall be located harmoniously with the landforms, trees and other natural features of the site. They shall be located advantageously for views from a building while minimizing intrusion on views from other buildings.

Architecture within the AARDdevelopment shall reflect or complement the historic architectural fabric of Weston. Preferred building materials include wood clapboard, shingle, and fieldstone.

Without specifying any particular architectural style, the scale, massing and detailing of buildings shall be compatible with those prevalent in the neighborhood. Where ~~the a~~ multifamily development is located adjacent to a neighborhood of single family dwellings, the massing scheme and the selection of exterior materials for buildings shall be complementary to a single family neighborhood.

Buildings of historic or architectural significance shall be preserved and readapted wherever possible. New buildings shall be compatible with existing historic structures.

#### b. Standards

(i) The developer shall make adequate, but not excessive, provisions for parking. There shall be provided at least two parking spaces per dwelling unit (counting garage space) ~~plus additional~~. Additional parking for recreational amenities and ~~provisions of~~ guest spaces shall be required in an AARD. All parking lots must be landscaped to the satisfaction of the Planning Board.

(ii) The frontage and setback requirements in the underlying Zoning District(s) where the tract is located shall be the minimum for an AARD or an AARC. The Planning Board, in its discretion, may waive strict compliance with sideline and centerline setbacks and allow a reduction in the setback requirement of up to 5 feet upon a finding that the reduced setbacks will not be detrimental to the neighborhood or abutting property owners.

(iii) The maximum building height allowable in the underlying Zoning District(s) where the tract is located shall apply for an AARD. For an AARC, however, the maximum building height may extend up to, but not exceed, 35 feet above the average grade plane.

(iv) An AARD shall provide at least 45% undisturbed, restored and created open space. Undisturbed open space shall be preferred, especially along the perimeter of the tract. Open space is defined as land not covered by buildings, above ground structures and paving or any other type of impervious surface.

(v) The maximum AARD floor area ratio (Residential Gross Floor Area, “RGFA” of all buildings minus total gross floor area of affordable units) divided by the total buildable area of the AARD tract, (minus the Exclusions in Section 3.a), of an AARD shall not exceed 11%, however, there may be, at the Planning Board’s discretion, provision for the addition of bonus gross floor area, up to a maximum floor area of 5%, upon the provision of additional open space, other public benefits and/or additional affordable housing (whether low or moderate income as defined in 760 CMR 45.02), as the Planning Board may determine.

(vi) The maximum RGFA of all buildings in an AARC, including the total gross floor area of affordable unit, shall not exceed 25% of the total area of the AARC tract (minus the Exclusions in Section 3.a), provided, however, that the Planning Board may, in its discretion, waive strict compliance and allow for an increase in the maximum RGFA percentage up to 28% of the total area of the AARC tract (minus the Exclusions in Section 3.a) upon a finding that the increase in density will not be detrimental to the neighborhood or abutting property owners.

(vii) The maximum Building Coverage in an AARC shall not exceed 15% of the total area of the AARC tract (minus the Exclusions in Section 3.a) provided, however, that the Planning Board may, in its discretion, waive strict compliance and allow for an increase in the maximum percentage of Building Coverage up to 20% of the total area of the AARC tract (minus the Exclusions in Section 3.a) upon a finding that the increase in density will not be detrimental to the neighborhood or abutting property owners.

(viii) The maximum number of dwelling units per acre in an AARD shall be 1.5, excluding affordable units. The maximum number of dwelling units per acre in an AARC shall be 3, including the affordable units. In making such computation computations, the Exclusions in Section 3.a shall be deducted from the total land area, and any fraction in the number of units calculated shall be rounded down to the next whole number

(ix) Buildings in an AARD shall be arranged efficiently and clustered in order to maximize provision of open space on a site. There shall be no more than four dwelling units in a single building.

(x) Prior to Town Meeting approval of a Concept Plan, the applicant shall execute a Development Agreement with the Select Board of Selectmen, after review and approval of the Concept Plan by the Planning Board. Such Development Agreement shall memorialize any additional obligations which the applicant has agreed to undertake in addition to those obligations which are expressly required by the Concept Plan or the Zoning By-law including, but not limited to, obligations relating to off-site improvements, traffic mitigation,

construction timing and truck routes, historic preservation, architectural standards, and reimbursement of Town costs for consulting or other services related to review of the [AARD](#) development proposal and monitoring of the project construction.

[\(xi\)](#) All roads within an [AARD](#) [or AARC](#) are intended to remain private.

c. Procedures

[\(i\)](#) Approval of ~~an [AARD](#)~~ a Concept Plan shall be by a two-thirds vote of the Town Meeting, following a recommendation and report to Town Meeting by the Planning Board as to whether and how the proposed Concept Plan meets the purposes of the [AARD](#) [or AARC](#), and the [applicable](#) General Design Guidelines and Standards for Concept Plans as set forth in this By-law. It shall be the obligation of the applicant to timely submit an article to the [Select](#) Board ~~of Selectmen~~ for inclusion of the [AARD](#) Concept Plan proposal on the warrant for the Town Meeting at which the applicant will be seeking concept approval.

[\(ii\)](#) The ~~[AARD](#)~~ Concept Plan approval process commences with the filing of the proposed Concept Plan with the Planning Board. Before filing the Concept Plan, the applicant shall meet informally with the Planning Board to discuss the project, including scope, timing of public hearing and Town Meeting ~~and program~~. A filing fee and a review fee shall be deposited with the Planning Board at the time of submission of the Concept Plan to the Board. The filing and review fees shall be specified in a separate document to be adopted by the Planning Board. In addition to filing the Concept Plan with the Planning Board, the Plan shall be filed with the Selectmen, Town Engineer, Board of Health, Conservation Commission, Fire and Police Department. The Planning Board will determine whether the Concept Plan is complete and schedule a public hearing within a reasonable time from receiving a complete submission.

5-6. [AARD Site Plan Approval-Special Permit](#) [and AARC Site Plan Approval](#)

a. Timing

Not more than twelve (12) months after the Concept Plan has been approved by Town Meeting, and prior to applying for any other permits or commencing any work on the site, including but not limited to demolition, tree or vegetation removal, earth removal, or grading, application may be made to the Planning Board for a ~~an [AARD](#)~~ Special Permit with Site Plan Approval [or for an Site Plan Approval, as applicable](#).

b. Submissions

The submissions required of an applicant for a Special Permit with Site Plan Approval for an [AARD](#) and Site Plan Approval for an [AARC](#) shall be set forth in rules and regulations to be adopted by the Planning Board. Except where specified otherwise, such submissions shall include the documentation that will govern the use, occupancy and other matters related to the ~~development~~ [AARD](#), such as, but not limited to, the master deed, declaration of trust and rules and regulations, if the ~~development~~ [AARD](#) will be a condominium (collectively, the “[AARD](#) or [AARC](#) Governance Documents”), as well as the proposed deed restrictions for [age, affordability, and historic preservation and re-adaptation, if applicable](#).

~~\_\_\_\_\_ . The Planning Board shall issue a Special Permit and Site Plan Approval for an AARD only if it finds that the AARD presented in the application is not substantially different from the Concept Plan approved at Town Meeting, and if it specifically finds that:~~

~~b.---~~

c. Site Plan Approval-Special Permit [Submission and Findings](#)

~~The submissions required of an applicant for a Special Permit with Site Plan Approval for an AARD shall be set forth in rules and regulations to be adopted by the Planning Board. Such submissions shall include the documentation that will govern the use, occupancy and other matters related to the AARD, such as, but not limited to, the master deed, declaration of trust and rules and regulations, if the AARD will be a condominium (collectively, the “AARD Governance Documents”). The Planning Board shall issue a Special Permit and Site Plan Approval for an AARD only if it finds that the AARD presented in the application is not substantially different from the Concept Plan approved at Town Meeting, and if it specifically finds that:~~  
For any AARD or AARC for which the Concept Plan is submitted to the Planning Board for review after September 1, 2020, the Planning Board shall issue a Special Permit and Site Plan Approval, only if it finds that the AARD or AARC presented in the application is not substantially different from the Concept Plan approved at Town Meeting, and if it specifically finds that:

(i) The Site Plan provides for no [increase in tract size, no](#) reduction in setbacks and no increase in number of dwelling units, and, no substantial change, in the sole opinion of the Planning Board, in location of the units, gross floor area, height, and amount of open space, as provided for in the approved Concept Plan. However, in the Special Permit, the Planning Board may require additional plantings beyond those shown on the Concept Plan and specify an increase in size of plantings if it furthers the goals of this By-Law.

(ii) The Site Plan provides for no uses which are not permitted by the approved Concept Plan.

(iii) The applicant makes provision that any land shown in the approved Concept Plan as permanent open space be subject to a permanent conservation easement, according to MGL S.31 of Chapter 184, simultaneously with the issuance of a building permit for any dwelling units on the ~~AARD~~ tract. Proof of execution and recordation of this easement shall be delivered to the Planning Board. The restriction shall be held by the Town of Weston or its designee, and the open land may be used for limited recreation by the residents of the Town.

(iv) Walking trails are established within the ~~AARD~~ parcel and connected to the Weston Forest and Trail Association, Inc. network and/or Town of Weston land. The trails shall be established by permanent easement and located in upland areas. If there are not WFTA trails or Town land in the vicinity of the ~~AARD~~ parcel, as determined by the Planning Board, then walking trails shall be established within the ~~AARD~~ tract for the residents.

(v) Buildings and surrounding grounds are located so that fire, police and other emergency personnel have reasonable access to all structures.

(vi) All utilities, other lines and equipment, including but not limited to electric, telephone, cable TV, are located underground.

(vii) The Site Plan locates and screens refuse disposal area, utility buildings, storage areas and other support facilities to make them less visible from sites external and internal to the ~~AARD~~ parcel.

(viii) The provisions of the ~~AARD~~ Governance Documents are satisfactory to the Planning Board and approved as to form by Town Counsel, including restrictions limiting permanent occupancy of the aged restricted units to persons aged 55 or older. Such restrictions may include provisions allowing limited, temporary occupancy by persons under the age of 55 such as guests or necessary health aides.

(ix) The Development is in harmony with the general purpose and intent of the Town of Weston Zoning By-law.

(x) The Site Plan ~~Approval/Special Permit~~ conforms to the Planning Board's Rules and Regulations applicable to AARD or AARC Special Permits and Site Plan Approvals.

d. ~~The AARC Site Plan Approval~~

In lieu of Site Plan Approval pursuant to Section XI of the Bylaw, the following AARC Site Plan Approval shall be required for all AARC developments with a Concept Plan submitted for Planning Board Review prior to September 1, 2020, after which, any future AARC applicant shall additionally be required to apply for and obtain Site Plan/Special Permit Approval consistent with Section 6.c.

The Planning Board shall schedule a public hearing within 30 days of receipt of a completed application for AARC Site Plan Approval and shall issue its decision within 30 days of the start of the public hearing, unless further extension of time is agreed upon by the applicant. The Planning Board shall issue Site Plan Approval for an AARC if it finds that the AARC presented in the application is not substantially different from the Concept Plan approved at Town Meeting, and if it specifically finds that:

(i) The Site Plan provides for no increase in tract size, no reduction in setbacks, no increase in number of dwelling units beyond what is shown in the concept plan, and no substantial change. ~~Planning Board shall adopt rules and regulations in a separate document in~~ location of the units, gross floor area, height, and amount of open space, as provided for in the approved Concept Plan.

(ii) Buildings and surrounding grounds are located so ~~that are consistent with this By-law specifying design standards for site development features~~ fire, police and other emergency personnel have reasonable access to all structures.

(iii) All utilities, other lines and equipment, including; but not limited to: ~~exterior lighting; storm water management; landscaping; erosion control; architectural design; design and construction standards for streets; street and~~ electric, telephone, cable TV, are located underground.

(iv) Exterior lighting, storm water management, landscaping, erosion control; architectural design; and design and construction standards for access ways are consistent with the approved Concept Plan.

- (v) Exterior lighting is Dark Sky compliant and results in no unreasonable glare onto public roads and other public ways, into the night sky, or onto neighboring properties from lighting or reflection.
- (vi) The Site Plan locates and screens refuse disposal area, utility buildings, storage areas and other support facilities to make them less visible from sites external and internal to the AARC parcel monumentation.
- (vii) The AARC is served with adequate public water supply and sewage disposal systems. For structures to be served by sewage disposal systems, the applicant shall submit a complete design prepared and stamped by a registered professional engineer and containing all information required by the Board of Health to approve sewage disposal systems. Well water shall be used for irrigation purposes.
- (viii) The AARC incorporates measures that are adequate to prevent pollution of surface or groundwater, to minimize erosion and sedimentation, and to prevent changes in groundwater levels, increased rates of runoff, and minimize potential for flooding. Drainage should be designed so that groundwater recharge is maximized, and at the project boundaries the rate of runoff shall not be increased.
- (ix) As a condition of approval, the AARC Governance Documents, in a form approved by Town Counsel, including restrictions limiting ownership and permanent occupancy of the aged restricted units, and affordable housing restrictions shall be reviewed and recorded prior to the issuance of an Occupancy Permit.
- (x) The Site Plan conforms to the Planning Board’s Rules and Regulations governing Site Plan Approvals, to the extent applicable.

e. AARD Phasing Plan

A Phasing Plan shall be submitted by the applicant and approved by the Planning Board as part of the AARD Special Permit process. Surety may be required, at the Planning Board’s discretion, for different phases of the construction, to guarantee performance and implementation of the Concept Plan and Special Permit Plan(s). The Planning Board shall determine the type and amount of the surety and the timing for deposit of surety with the Town. This phasing plan shall be endorsed by the Board prior to any work done on site, including tree removal, grubbing, excavation of any sort, and, prior to application for a Building or Demolition Permit.

f. AARC Site Plan Approval and AARD Site Plan Approval/Special Permit Rules and Regulations

The Planning Board may adopt rules and regulations for AARC Site Plan Approval and AARD Special Permit with Site Plan Approval that are consistent with this By-law, specifying submission requirements and design standards for site development features, including, but not limited to: exterior lighting; storm water management; landscaping; erosion control; architectural design; design and construction standards for streets; street and parcel monumentation.

e.g. Construction Plan

A detailed Construction Plan for the proposed development shall be submitted by the applicant and approved by the Planning Board as part of the [AARD](#) Special Permit process, [or the AARC Site Plan Approval process](#). A list of submission items shall be listed in a separate document approved by the Planning Board and may include, but not be limited to the following items: hours of operation, truck routes, material safety data sheets, erosion and storm water control.

7. Severability

Each provision of Section K of this Bylaw shall be construed as separate to the extent that if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect.