

- 7.3.6 Open space shall be preserved in perpetuity by either:
- 1) Being conveyed to the Town, at no cost, and accepted by Town Meeting for park, conservation, agriculture, or other open space use.
 - 2) Being conveyed to a not-for-profit organization or land trust, the principal purpose of which is the conservation of open space.
 - 3) Being conveyed to a corporation, association, or trust owned or to be owned by the owner of the lots created in the subdivision. If such corporation, association, or trust is utilized, ownership shall pass with the conveyance of the lots within the subdivision.
 - 4) Unless conveyed to the Town, a restriction enforceable by the Town shall be approved and recorded to ensure that open space land is kept in an open or natural state and shall not be built upon for residential or developed for accessory uses.
- 7.3.7 The Planning Board shall adopt rules and regulations to further implement the design, laying out, construction, bonding, and administration of Open Space Preservation Subdivision.

7.4 SENIOR HOUSING COMMUNITY

- 7.4.1 Purpose & Intent. The purpose of the Senior Housing Community By-Law is to encourage development that provides alternative housing choices for people that are fifty-five years of age or older. It is the intent of this By-Law to enhance and preserve the rural village character of Upton, to protect open space, to preserve our natural resources and to promote efficient use of the land and infrastructure.
- 7.4.2 Objectives. The following objectives will apply to all proposed Senior Housing Communities construction in Upton.
- 1) To establish a procedure whereby each proposal for a Senior Housing Community will be reviewed separately and judged by standards designed to protect both the special quality of the site and its environment.
 - 2) To ensure the Senior Housing Community is developed in accordance with the planning objectives [Master Plan] of the town and at a rate that can be supported by the town services.
 - 3) To encourage the conservation of viable acres of open land, wildlife habitats, historical and natural resources.
 - 4) To encourage and recognize the importance of diversity and variety in the exterior design of structures so that those are specifically designed for and related to special conditions and features of the proposed site.
 - 5) To require builders to use visual space planning to all site development elements, such as parking, wooded or conservation areas, adjacent streets, accessory buildings, lighting and open areas.
 - 6) To provide for design review of all proposed Senior Housing Community 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 ground water, traffic congestion or inappropriate site development.

7.4.3 Definitions

- 1) Assisted Living Facility: Includes the provisions of services geared to an aging adult population which may have difficulty functioning independently and may require oversight including, but not limited to the provisions of a full meal plan, transportation services, personal care and assistance with medication.
- 2) Congregate Senior Housing: Means private dwelling units/apartments which may have kitchen facilities within a complex containing central dining and other common areas and is designed for an adult population requiring some supportive services including but not limited to meals, housekeeping, home health and other supportive services.
- 3) Common Land: Common land shall be an area of land owned and maintained by a homeowners association and used solely for recreational, conservation, agriculture or forestry purpose by residents of the development and/or the public.
- 4) Dwelling Unit: One or more living or sleeping rooms arranged for the use of one or more individuals living as a single housekeeping unit with individual or congregate cooking, living, and sanitary facilities, excluding mobile homes and trailers. The intent of this definition is to define a “home” with private sleeping rooms rather than a dormitory arrangement of sleeping quarters.
- 5) Impervious Surface: A surface area in which water is not allowed an entrance, which includes but not limited to building footprints, roadways, driveways, and parking lots, etc.
- 6) Independent Senior Housing: Means private residential dwelling units, individually equipped with a minimum of a kitchen, bedroom, bathroom and living area. Geared toward independently functioning adults, this housing typically does not offer on-site supportive services but is designed to be barrier free and should include emergency call features complemented by housing management and facility maintenance services.
- 7) Open Space: Open space shall be an area of undeveloped land used solely for conservation and is permanently protected from development by a permanent conservation restriction in accordance with G.L. c.184, s.31. Open space shall not contain any common land.

- 8) Restorative Care/Skilled Nursing Facility: Includes the provision of service for long-term nursing, convalescent or rehabilitative care; supervision and care incident to advanced age, retirement home care for elderly persons.
- 9) Additional Terms
 - a. Shall: Indicates a mandatory requirement.
 - b. Should: Indicates a recommendation or that which is advised but not necessarily required.
 - c. SPGA: Special Permit Granting Authority.

7.4.4 Special Permit Granting Authority. The Planning Board shall be the Special Permit Granting Authority for Senior Housing Community in the Town of Upton, and is authorized to hear and decide upon applications for special permits for senior housing communities in accordance with the provisions of this zoning section.

7.4.5 Application in Zoning Districts. A Senior Housing Community, under single ownership or as condominiums, may only be permitted by a special permit in Single Residential SRA, SRB, SRC and SRD Districts and Agricultural Residential Districts where residential uses are permitted by right in accordance with the requirements and regulations of the Town of Upton Zoning By-Laws.

7.4.6 Application Procedure. The application procedure consists of two steps:

- 1) Pre-application review of a conceptual site plan by the Special Permit Granting Authority. To be eligible to apply for a special permit, applicants are required to have submitted a conceptual site plan prepared by a registered landscape architect, a registered architectural architect, and a registered professional civil engineer at a scheduled Planning Board meeting. The conceptual site plan shall include a detailed analysis of site topography, wetlands, unique land features and soil type, site layout and building design. The purpose of this requirement is to help applicants and Town officials develop a better understanding of the property and to help establish an overall design approach that respects the intent of this By-Law.

Commentary: The pre-application process should not be limited to one meeting, but should be a series of meetings to review and discuss details and options.

- 2) An application for approval of a senior housing community special permit to the SPGA. Applicants are required to submit a special permit application and site plan, conforming to the requirements of this By-Law, to the SPGA for approval. The application for a senior housing community special permit shall be accompanied by a site plan including all of the plans and information listed below.

- a. The plan or plans shall contain the following: The name of the record owner(s) of the land, the name of the applicant, the name of the registered landscape architect, the name of the registered architectural architect, the name of the registered professional engineer, and the name of the land surveyor who made the plan(s).
- b. An “EXISTING CONDITIONS PLAN” [at a scale of not less than 1” = 100’] showing topography, soil types, watercourses, wetlands and 100-year floodplains, existing streets, all known easements, and structures within and on parcels contiguous to the tract.
- c. An “OVERALL LAND USE PLAN” [at a scale of not less than 1” = 100’] showing the location, ownership, and use of the proposed common land, the extent of open space, the area of residential use, the maximum number of residential units proposed, and the maximum number of bedrooms, any amenity or recreation area serving the residential uses, and the general layout of all roads and access ways. The “Overall Land Use Plan” shall include a tabulation indicating the total area, upland area, wetlands area, open space area, common land area, all impervious area to be created in the senior housing community and the respective percentage of each area for the entire tract.
- d. A “LAYOUT PLAN” for the proposed senior housing community at a scale of not less than 1” = 100’ showing the intended location of each residential building, accessory structure and facility, the intended location of all roads and access ways, curb cuts, driveways and approximate finished grades, the proposed location of all recreational areas, proposed improvements and structures on the common land, and methods for providing water and sewerage facilities.
- e. A plan or plans showing the proposed grading of the tract and the proposed location, dimensions, materials and type of construction of streets, common drives, parking areas, walks, paved areas, utilities, emergency access ways, easements, and the location and outline of all proposed buildings and structures including, but not limited to dwellings, garages, and any accessory structures thereto. If the proposed senior housing community is to be constructed in separate phases, this plan or plans shall clearly indicate the construction phases proposed.
- f. A plan or plans showing the proposed use of common land [whether public or private], including all improvements intended to be constructed thereon.
- g. A plan or plans showing in a general way existing vegetation [at a scale of 1” = 100’] and detailed landscaping and planting plans [at a scale of 1” = 100’] for all areas to be disturbed and buffer areas.
- h. A perspective plan or plans showing the proposed architecture of the buildings/structures by type and such plan(s) shall include a tabulation of proposed buildings/structures by type [i.e. number of units per building, and number of bedrooms per unit].
- i. Copies of all instruments to be recorded with the senior housing community special permit, including the proposed deed(s) for the

common land, dispositions of open space, the articles of organization and By-Laws of any corporation or trust to be organized to own the land and the language of all restrictions to be imposed on the land.

- j. A management plan for common land to be incorporated in the deed covenants to be executed with purchases of land or other interests in the senior housing community.

7.4.7 Development Impact Statement. At the discretion of the SPGA, the submittal of a Development Impact Statement may be required at the expense of the applicant. The SPGA may deny a special permit where the Development Impact Statement discloses that the proposed use does not comply with the provisions of this By-Law, or would be detrimental to the Town or its citizens. The Development Impact Statement shall be prepared by an interdisciplinary team including a Registered Landscape Architect or Architect, a Registered Civil Engineer, Registered Surveyor, and a Land Planner, and may include all or some of the following information.

1) Physical Environment

- a. Describe the general physical conditions of the site, including amounts and varieties of vegetations, general topography, unusual geologic, archeological, scenic and historical features or structures, locations of significant viewpoints, stone walls, trees over 16 inches in diameter, trails and open space links, and indigenous wildlife.
- b. Describe how the project will affect these conditions, providing a complete physical description of the project and its relationship to the immediate surrounding area.

2) Surface Water and Subsurface Conditions

- a. Describe locations, extent, and types of existing water and wetlands, including existing surface drainage characteristics, both within and adjacent to the site.
- b. Describe any proposed alterations of shore lines or wetlands.
- c. Describe any limitations imposed on the project by the site's soil and water conditions.
- d. Describe the impact upon ground and surface water quality and recharge, including estimated phosphate and nitrate loading on groundwater and surface water from septic tanks, lawn fertilizer, and other activities within the site.

3) Vehicle Circulation System

- a. Project the number of motor vehicles to enter or depart the site per average day and during peak hours. Also state the number of motor vehicles to use streets adjacent to the site per average day and during peak hours. Such data shall be sufficient to enable the SPGA to evaluate (i) existing traffic on streets adjacent to or approaching the site, (ii)

- traffic generated or resulting from the site, and (iii) the impact of such additional traffic on all ways within and providing access to the site.
- b. Actual study results, a description of the study methodology, and the name, address, and telephone number of the person responsible for implementing the study, shall be attached to the Development Impact Statement.

4) Support Systems

- a. **Water Distribution:** Discuss the water system proposed for the site, means of providing water for fire fighting, and any problems unique to the site.
- b. **Sewage Disposal:** Discuss the sewer system to be used, and evaluate impact of sewage disposal on the wastewater treatment facility.
- c. **Refuse Disposal:** Discuss the location and type of facilities, the impact on existing Town refuse disposal capacity, hazardous materials requiring special precautions.
- d. **Protection Service:** Discuss the distance to the fire station, police station, and emergency medical service, and the adequacy of existing equipment and manpower to service the proposed site.
- e. **Recreation:** Discuss the distance to and type of public facilities to be used by the residents of the proposed site, and the type of private recreation facilities to be provided on the site.

5) Phasing. Where development of the site will be phased over more than one [1] year, indicate the following:

- a. Describe the method to be used during construction to control erosion and sedimentation through use of sediment basins, mulching, matting, temporary vegetation, or covering of soil stockpiled. Describe the approximate size and location of portion of the parcel to be cleared at any given time and the length of time of exposure.
- b. Describe the phased construction, if any, of any required public improvements, and how such improvements are to be integrated into site development.

7.4.8 SPGA - Rules and Regulations. The SPGA shall adopt reasonable rules and regulations for the administration of this section, which may be amended from time to time. Such regulations shall include a schedule of fees, site construction requirements, inspection requirements, and owner/occupancy reporting requirements to satisfy compliance with the age restriction, as well as such other items as the SPGA deems necessary including the following:

- 1) SPGA-Public Hearing. The SPGA shall hold a public hearing and shall file its decision with the Town Clerk as required by G.L. c. 40A, s.9.
- 2) Approval. The SPGA may grant a special permit for a senior housing community if it determines that all the requirements under the By-Law have been met and such use will not be detrimental to the public good.
- 3) Upon receipt of the application and required plans, the SPGA shall transmit one copy each to the Board of Health and Conservation Commission. Within 45 days of their receipt of the application/plans, these agencies shall submit any recommendations to the SPGA. The SPGA shall act on applications according to the procedures specified in G.L. c. 40A, s.9. Notice shall be provided of hearings in accordance with G.L. c. 40A, s.11.

Commentary: Compliance with the time frame requirements of Chapter 40A are necessary in order to prevent constructive grants.

- 4) The SPGA may impose special permit conditions as a condition of approval such as site construction requirements, inspection requirements, and owner / occupancy reporting requirements to satisfy compliance with the age restriction. The SPGA may require additional conditions as it finds reasonably appropriate to safeguard the health, safety, and welfare of the existing neighborhoods and the Town of Upton or otherwise serve the purpose of this By-Law.
- 5) The SPGA may approve the special permit application with a condition of approval from the Board of Health and Conservation Commission.
- 6) Change in Plans After Grant of Special Permit. No change in any aspect of the approved plans shall be permitted unless approved in writing by the SPGA. A new or amended special permit will be required if the SPGA determines any proposed change to be substantial. The SPGA shall hold a public hearing if the proposed change is determined to be substantial, with the provisions of this By-Law.
- 7) No land for which a special permit for a senior housing community has been granted shall be further subdivided.

7.4.9 Optional Incentive Provisions. The SPGA may approve density bonuses pursuant to one or more of the following provisions, provided, however, that in no case shall the density bonus be greater than a 15% increase in the number of bedrooms permitted in the applicable senior housing community.

- 1) Affordable Option. A density bonus may be permitted when the proposed community provides affordable housing opportunities consistent with the Upton Local Housing Partnership Policy Plan. For each affordable housing unit provided under this section, four additional bedrooms may be permitted

subject to the 15% limitation expressed in Section 7.4.9. Affordable units shall be developed concurrently with the market rate units in the development. The affordable units must be subject to use restrictions of a substantial duration to ensure that the units remain available exclusively to persons with qualifying income.

- 2) Recreational Space Option. A density bonus may be permitted when the proposed community provide for public access to recreational facilities and/or recreational fields within the community or when they are deeded to the municipality. For every 5 acres of land that is donated to the municipality or open to public use, four additional bedrooms may be permitted subject to the 15% limitation expressed in Section 7.4.9. Recreational space that is open to public use shall be accessible from a public way and adequate parking shall be provided to meet anticipated demand.
- 3) Open Space Option. A density bonus may be permitted when the proposed community provides additional open space. For every 5 acres of land that is donated to the municipality or land trust, four additional bedrooms may be permitted subject to the 15% limitation expressed in Section 7.4.9.
- 4) Provision for off-site locations. The SPGA may accept the off-site location of affordable housing, recreational space, or open space for the purpose of satisfying the optional incentive provisions.

7.4.10 Standards.

- 1) Independent Senior Housing. As used by this By-Law, Independent Senior Housing means private residential dwelling units, individually equipped with a minimum of a kitchen, bedroom, bathroom and living area. Geared toward independently functioning adults, this housing typically does not offer on-site supportive services but is designed to be barrier free and should include emergency call features complemented by housing management and maintenance services.
- 2) Congregate Senior Housing. As used in this By-law, Congregate Senior Housing means private dwelling units/apartments which may have kitchen facilities within a complex containing central dining and other common areas and is designed for an adult population requiring some supportive services including, but not limited to meals, housekeeping, home health and other supportive services. Congregate Senior Housing under this section of the By-Law shall obtain all required permits and/or licenses that are required to operate such facilities by the Commonwealth of Massachusetts and the Town of Upton.

The standards for this By-Law section shall be the same as Independent Senior Housing except where stated otherwise.

Exceptions

- a. Building & Dwelling Requirements (SEE Section 7.4.18) can be waived or modified.
- 3) Assisted Living Facility Defined. As used in this By-law, an Assisted Living Facility means a twenty-four hour staff along with private dwelling units which may contain independent efficiency kitchens, but which facility contains a common kitchen, dining and other activity areas. Assisted Living facilities are geared to an adult population which may have difficulty functioning independently and may require oversight including, but not limited to the provisions of a full meal plan, transportation services, personal care and assistance with medication. Special care programs specifically designed for adults with memory loss are included in this category. Assisted Living Facility under this section of the By-Law shall obtain all required permits and/or licenses required to operate such a facility by the Commonwealth of Massachusetts and the Town of Upton.

The standards for this By-Law section shall be the same as the By-Law section for Independent Senior Housing except where stated otherwise.

Exceptions

- a. Building & Dwelling requirements (SEE Section 7.4.18) can be waived or modified.
 - b. Parking Area requirements (SEE Section 7.4.20) can be waived or modified.
- 4) Restorative Care/Skilled Nursing Facility Defined. Restorative Care/Skilled Nursing Facility includes any institution which provides services primarily to three or more individuals admitted thereto with long-term nursing, convalescent or rehabilitative care; supervision and care incident to old age; or retirement home care for elderly persons and include services provided by nursing homes, convalescent homes, long term facilities, rest homes, infirmaries for older adults, charitable homes for the aged. Restorative care/Skilled Nursing Facility under this By-Law shall obtain all applicable permits and licenses required by the Commonwealth of Massachusetts and the Town of Upton.

The standards for this By-Law section shall be the same as the By-Law section for Independent Senior Housing except where stated otherwise.

Exceptions

- a. Occupancy Restriction requirements (SEE Section 7.4.11) can be waived or modified.
- b. Building & Dwelling requirements (SEE Section 7.4.18) can be waived or modified.
- c. Parking Area requirements (SEE Section 7.4.20) can be waived or modified.

7.4.11 Occupancy Restrictions. The following provisions are intended to ensure that the dwelling units in Independent Senior Housing are used as residences for persons of fifty-five years of age and older.

- 1) Each dwelling unit in an Independent Senior Housing Community shall be subject to a recorded deed restriction limiting occupancy to at least one person 55 years of age or older.
- 2) Individuals under the age of 18 or guests may not reside in a dwelling unit in an Independent Senior Housing Community for more than six [6] months in a twelve [12] month time period.
- 3) In the event of the death of the qualifying occupant of a unit, or foreclosure or other involuntary transfer of a unit in an Independent Senior Housing Community, a two-year exemption shall be allowed to facilitate the transfer of the unit to another eligible household.

7.4.12 Site Dimensional Requirements.

- 1) The tract of land for an Independent Senior Housing Community shall contain at least five [5] acres and shall have at least one hundred [100] feet of frontage on an existing Town accepted way.
- 2) A 100-foot screened buffer zone consisting of landscaped or natural vegetation shall encompass the entire perimeter of the development site.
- 3) Upon finding by the SPGA that a buffer zone of lesser width would be sufficient to visually screen and/or separate the Independent Senior Housing Community from adjacent property, the SPGA may waive and/or alter the buffer zone requirement. The SPGA may require no-cut easements, conservation restrictions or the like where the buffer zone has been reduced.

7.4.13 Density.

- 1) The residential density in an Independent Senior Housing Community shall not exceed six bedrooms per acre of developable area, and shall contain no more than two hundred [200] bedrooms except when optional incentive provisions have been applied. For the purpose of this computation, the developable area shall be the total area of the tract, including the common land, but excluding all listed non-buildable areas as provided under section 7.4.14.

- 2) The total area of dwelling unit footprints, garages, accessory buildings, and all other impervious surfaces shall not exceed 20% of the site area, except when optional incentive provisions have been applied.

7.4.14 Usable Land. Developable area shall be calculated by a registered civil engineer and/or registered land surveyor and shall not include any of the following.

- 1) Land within a 100-year floodplain as defined by G.L. c. 131, s.40.
- 2) Fresh water wetlands as defined by G.L. c. 131, s.40.
- 3) Land having a slope greater than 20%.
- 4) Land subject to conservation restrictions that prohibit development.
- 5) Land subject to any local and/or state law or regulation, right of way, public or other restriction, which prohibits development.
- 6) Land recorded with open space restrictions.

7.4.15 Open Space. A minimum of 25% of the development site shall be dedicated to open space and shall be clearly delineated and defined on the “Overall Land Use Plan” of each application. It is the intention of this section that open space should generally occur as a single contiguous area of open space which shall retain those natural features of the site most worthy of preservation in their natural state. The minimum required area of open space shall consist of no more than 30% wetlands as defined in G.L. c. 131, s.40. Land comprising the buffer zone under section 7.4.12 shall not count toward this open space requirement.

7.4.16 Common Land. The common land shall be dedicated and used for conservation, recreation, park purposes, outdoor education, agriculture, horticulture or forestry, or for any combination of such use. Common land shall be planned as large and contiguous whenever possible. Common land may be set aside in more than one parcel provided that the size, shape, and location of such parcel are suitable for the designated use. Strips or narrow parcels of common land shall be permitted only when necessary for access, or if the SPGA finds that a vegetation buffer strip along the site’s perimeter is appropriate and consistent with the purpose of the Senior Housing Community By-Law.

7.4.17 Recreational Space. Suitable recreational space for the Independent Senior Housing Community should be provided. Such areas should be suitable for a site of an active recreational facility. Such recreational areas should be contiguous to the open space or may be separately located.

7.4.18 Building & Dwelling Requirements. In an Independent Senior Housing Community the following Building & Dwelling requirements shall apply:

- 1) Dwelling units in an Independent Senior Housing Community may be attached, detached, or a combination of these types.
- 2) No building shall contain more than eight [8] bedrooms.

- 3) No dwelling unit shall contain more than two [2] bedrooms.
- 4) Buildings shall not exceed 2-1/2 stories and/or thirty feet [30'] in height.
- 5) In an Independent Senior Housing Community, the following setbacks requirements shall apply.
- 6) All buildings must be located a minimum of thirty feet [30'] from other structures within the Independent Senior Housing Community.
- 7) All buildings must be located a minimum of thirty feet [30'] from an interior roadway and driveway, which are not considered accepted public way.
- 8) All buildings must be located a minimum of one hundred feet [100'] from any side or rear site lot line from any off-site private or public way.
- 9) Upon finding by the SPGA that a setback of lesser width would be sufficient to visually screen and/or separate the Independent Senior Housing Community from adjacent property, the setback may be reduced. The SPGA may require no-cut easements, conservation restrictions or the like where the setback has been reduced.

7.4.19 Water & Sewage Services. Each dwelling unit in a Single Residential SRA and SRB District shall be connected to the municipal water system. Each dwelling unit in a Single Residential SRC and SRD District and Agricultural Residential District under this By-Law shall be supplied by a water source approved in writing by the Board of Health and by the Director of Public Works.

Each dwelling unit in a Single Residential SRA and SRB District shall be connected to a municipal wastewater treatment system. Each dwelling unit in a Single Residential SRC and SRD District and Agricultural Residential District shall be connected to a municipal wastewater treatment system, as agreed to in writing by the Director of Public Works, or to an on-site sewage treatment facility, as approved in writing by the Board of Health and under state law, where applicable.

If an on-site sewage treatment facility is used, the owner(s) shall have complete responsibility for maintenance and operation of the facility. If individual units are sold, each owner shall, as a condition of purchase, be required to join a homeowner's association or a condominium trust for the purpose of maintaining the treatment plant in a manner prescribed by the Massachusetts Department of Environmental Protection, and approved by the Board of Health.

Commentary: The Town of Upton at the discretion of the DPW Director and the Board of Health may provide testing, maintenance and service work for a fee.

For proposals where neither the municipal water system nor the municipal wastewater treatment system is to be used, a coordinated water supply/sewage treatment facility plan must be submitted to, and approved in writing by, the Board of Health and when required by the Massachusetts Department of Environmental Protection

- 7.4.20 Parking Area. There shall be provisions for one and one half [1.5] parking spaces per bedroom, at least one of which shall be located so as to provide convenient access to its assigned dwelling unit. Parking garages will be permitted as a parking space if located and designed so as to complement the building design and site layout.
- 7.4.21 Landscaping. Suitable landscaping materials shall be placed along site property lines to provide screening if there is no suitable natural growth in these areas. No solid fences shall be allowed along site property lines.
- 7.4.22 Rubbish. The owner, or homeowners association, or condominium trust shall provide rubbish disposal. There shall be a satisfactory design and location of collection points for the disposal of rubbish. Provisions for adequate screening shall be determined by the SPGA.
- 7.4.23 Illumination. All outdoor lighting shall be directed away from adjoining property. Streetlights should be installed within the Independent Senior Housing Community with best engineering practices and be of the type and style that matches the architectural style of the community.
- 7.4.24 Accessory Buildings & Structures.
- 1) Accessory buildings and structures for the use of residents of the Independent Senior Housing Community and their guests may be permitted, including garages, clubhouses, swimming pools, tennis courts, cabanas, and maintenance structures.
 - 2) Accessory buildings and structures shall be shown on the site development plan and shall not be constructed within designated open space.
- 7.4.25 Maintenance. The owners of the dwelling units within the Independent Senior Housing Community shall be responsible for the maintenance of all common elements and facilities owned by and serving the residents of the Independent Senior Housing Community and an organization of owners or condominium trust shall be established to carry out these maintenance responsibilities. Such homeowner's association or condominium trust shall file an annual report including the names and addresses of its officers, with the Town Clerk by February 15th of each year.

The special permit shall be conditional on the SPGA approval of the declaration of homeowners trust.

7.4.26 Validity. If any provision of this By-Law is determined to be invalid, it shall not affect the validity of the remaining provisions.

7.5 LARGE LOT FRONTAGE REDUCTION, SPECIAL PERMIT

7.5.1 Intent. The intent of this large lot frontage reduction is to permit greater flexibility and more creative and imaginative design for the development of residential areas than is generally possible under conventional zoning provisions. It is further intended to promote more economical and efficient use of the land, while preserving the natural environment and scenic qualities of open space which otherwise might be lost.

Commentary: The Planning Board may grant by special permit the right to build on a large parcel that has insufficient frontage by right to build on but is large enough to create a subdivision with a road and multiple lots.

7.5.2 Special Permit Granting Authority. The Planning Board shall be the Special Permit Granting Authority for large lot frontage reduction in the Town of Upton and is authorized to hear and decide upon applications for special permits for large lot frontage reduction in accordance with the provisions of this zoning section.

7.5.3 Application in Zoning Districts. A residential lot with reduced frontage may only be permitted by a special permit in all residential districts where residential use is permitted by right in accordance with the requirements and regulations of the Town of Upton Zoning By-laws.

7.5.4 Application. Applicants are required to submit a special permit application and site plan, conforming to the requirements of this By-Law, to the Planning Board for approval.

- 1) Contents of special permit application: The application for a large lot frontage reduction special permit shall be accompanied by a site plan including all of the information listed below.
 - a. A special permit application.
 - b. A site plan shall conform to the latest ANR (81-P) drawing requirement that the Town of Upton has.

7.5.5 Public Hearing. The Planning Board shall hold a public hearing and shall file its decision with the Town Clerk as required by G.L. c. 40A, s.9

7.5.6 Approval. Upon receipt of the application and required plan, the Planning Board shall transmit one copy each to the Board of Health and Conservation Commission. Within 45 days of their receipt of the application/plan, these agencies shall submit any recommendations to the Planning Board. The Planning Board shall act on applications according to the procedures specified in G.L. c.