



## MEMORANDUM

TO: Nathan Poore; Amanda Stearns

FROM: Natalie L. Burns

RE: Revisions to Homestead Farms Contract Zoning Agreement

DATE: February 22, 2018

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In response to the comments made by the Town Council at its last meeting and the additional comments from Amanda Stearns and Town Attorney Amy Tchao, the applicant has submitted a revised version of both the Contract Zoning Agreement (the CZA) and Exhibit 4. The CZA was revised to eliminate some redundant and conflicting provisions, so the overall document is shorter than the prior version. The following is a list of the more substantive changes made to the documents:

1. CZA Section 2 has been revised to reflect that the general area of park and the residential lots constitutes a condition that would require Council approval if changed. Language has also been added to show that the Planning Board may approve minor changes to the area shown as park and residential lots as part of site plan or subdivision review.
2. CZA Section 3 has been revised concerning the permitted uses for the “residential lots” area and the permitted uses for the Retail/Commercial Area.
3. CZA Section 3.c has been revised to reflect that Accessory Dwelling Units will not be allowed in Entry Level Housing and that there will be a corresponding deed restriction. In addition, language has been added to clarify that Entry Level Housing may be provided in Two-Family Dwelling units as well as in Single-Family Dwellings.
4. CZA Section 4.b has been revised to reflect that the Town will be granted a public access easement to the passive recreation areas.
5. CZA Section 4.c has been revised to reflect that the Town will be granted an easement to the open space and that the open space will be in the general area shown on Exhibit 2.
6. CZA Section 4.d has been revised to reflect that the Town will be granted an easement for the trails. The language of this Section may need further modification as it currently states that the interurban line will be ADA accessible, which could be interpreted in the future to require that the entire line be accessible. Due to topography issues in some

portions of the interurban line, it would be extremely difficult and cost-prohibitive to construct an ADA-accessible trail in those areas. It is the applicant's intent to build an ADA-accessible trail in certain areas, including in the vicinity of the public park. I think this has been the understanding of staff and the Council, but the current version of the CZA probably should be clarified to better reflect this understanding so that there is no confusion in the future.

7. CZA Section 4.g clarifies language concerning the invasive species eradication plan.
8. CZA Section 4.h clarifies that the street design in residential areas shall accommodate informal on-street parking on at least one side of the street and that the street segment running from Route 100 to the roundabout shall be designed to have parking on both sides of the street.
9. CZA Section 4.k clarifies the timing of the granting of the easements for each phase.
10. CZA Section 5.a expressly prohibits onsite septic systems.
11. CZA Section 5.e adds that the developer shall pursue the extension of natural gas to the project.
12. CZA Section 5.f states that streetlighting on Road B from Route 100 to the roundabout will be consistent with the Town's new Route 100 lighting.
13. As requested by the Council, the rate of residential growth requirements have been moved from Exhibit 4 to CZA Section 6.b. These provisions have been modified to revise the 55-plus language as discussed with the Council at its last meeting.
14. CZA Section 7 has language clarifying that the phasing will be consistent with Exhibit 3.
15. CZA Section 8.c has been revised to simplify the enforcement provisions and to include a reference to the State law on enforcement of land use violations.
16. Exhibit 4 has been revised to more closely reflect the list provided to the Town Council at its last meeting. The prior provisions in Exhibit 4 concerning things other than zoning or subdivision requirement changes have been removed as those already exist in the body of the CZA or have now been moved there.

Thank you for your review of the revised documents and for your comments. We look forward to meeting with the Town Council on February 26.