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SPECIAL PERMIT 17: Condominium Conversion

The purpose of this subsection L is to permit existing buildings on appropriately sized ~~large~~ tracts of land in Residence Districts AA, A, B and C to be converted to condominium dwelling units compatible with such Residence Districts in order to create new housing with relatively little new construction, to generate tax revenue to the Town, to preserve existing ~~buildings~~ residential structures, to expand housing choices in the Town, to preserve the residential character of the Town, and to encourage adaptive reuse of historic structures. In keeping with the predominately single family residential use in Residence Districts AA, A, B and C, this subsection L requires the conversion of the building to a condominium type of ownership.

(a) The Planning Board shall be the special permit granting authority for purposes of this subsection L.

(b) Properties eligible for consideration for a condominium conversion special permit shall meet the following requirements:

(1) Parcels in a Residence AA, A, B and C District with no less than 150 feet of frontage on a public way with one or more existing buildings containing no less than 3,000 square feet of floor area;

(2) The primary building on the parcel must have been built prior to January 1, 1970;

(3) More than 50% of the total number of dwelling units will be contained in existing structure or structures; and

(4) The total number of dwelling units to be approved by the Planning Board shall reflect the historical and architectural elements of the structure or structures including, without limitation, their design, location, facades, building materials and compatibility with the predominate architecture of the surrounding neighborhood.

(c) For parcels of land exceeding the acreage required in the applicable Residence District and having the requisite frontage, the Planning Board may grant a higher number of dwelling units provided that the proposed project evidences superior site design which may include, without limitation, public open space, either accessible to the public or within public view; preservation of existing dwellings or other architecturally significant structures; preservation of significant trees and landscaping; street improvements such as wider sidewalks, lighting, landscaping and walkways; preservation and protection of environmentally sensitive areas; and use of Clean Energy principles in the design and construction of the proposed project.

(d) The Planning Board, where appropriate, shall with the Conservation Commission and the Historic Commission, the Town of Milton Affordable Housing Trust, and any other municipal board or commission when any site condition or other aspect of the proposed project falls within the regulatory authority of such board or commission and has the potential to materially increase or decrease the number of dwelling units allowed under this condominium conversion special permit.

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(e) The application for the condominium conversion special permit shall demonstrate the following:

- (1) Each condominium unit shall be an independent dwelling unit intended for use by a single family, with its own bath, toilet facilities and kitchen. The average square footage of the interior living space of each unit shall not be less than 900 square feet;
- (2) There shall be at least one off-street automobile parking space for each unit;
- (3) All new utilities and electrical wires shall be placed underground. All exterior lighting shall be Dark Sky Compliant.
- (4) Draft Master Deed, Declaration of Trust, By-Laws (if any) and proposed Unit Deed
- (5) Site plan showing location of all buildings, accessory structures, driveways, paths limited common areas (if any), and parking spaces
- (6) Draft unit plans in compliance with G.L. c. 183A;
- (7) Copy of Assessor' plan showing the parcel and all land immediately adjacent to it
- (8) At least one elevation for each building being converted to condominium units
- (9) Such other plans, photographs, models or elevations as the Planning Board shall reasonably deem necessary or appropriate to review the proposed conversion.

(f) No new building or structure shall be constructed on the parcel unless the Planning Board has determined that:

- (1) the new building or structure provides a substantial public and financial benefit in enabling the preservation and restoration of the existing building(s);
- (2) the design of the new building or structure together with walkways and driveways, accessory structures and landscaping enhance the existing site design and constitute an integral part of the overall site without adverse impacts on the existing building(s);
- (3) the uses of any new building or structure are permitted in the applicable Residence District and are consistent with the condominium development and the character of the neighborhood.

(g) No special permit pursuant to this subsection L shall be granted until a public hearing has been held as provided in G.L. c. 40A. The Planning Board shall be the special permit granting authority for condominium conversion special permits.

(h) The Planning Board shall not grant a condominium conversion special permit unless it makes the following findings:

- (1) any external enlargement of any existing building is compatible with the architecture of such building
- (2) appropriate provision has been made for the preservation and restoration of significant architectural, historical and landscaping features, particularly those features that are visible from a public way;
- (3) the design of the proposed project is consistent with a condominium form of ownership and with the character of the neighborhood.
- (4) the provisions of the proposed Master Deed, Declaration of Trust and By-Laws (if any) will ensure the preservation and maintenance of the existing structure; and

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(5) parking and driveway access within the parcel is adequate for residents of the condominium.

(i) After a condominium conversion special permit has been issued, any change in the location or use of building or structure, any enlargement of a building or structure or any material exterior restoration or reconstruction of a building or structure shall not be permitted without the issuance of an amendment to said special permit which shall be upon the filing of an application with the Planning Board and after a public hearing in accordance with G.L.c. 40A and upon the finding by the Planning Board that the proposed change or changes do not substantially derogate from the intent and purposes of this subsection L.

(j) A special permit or any amendment thereto shall expire two years from the date of the grant thereof unless the construction approved under said permit or amendment has commenced, or if no construction is required, unless the Master Deed Declaration of Trust, Unit Plans, and other condominium documents required under G. L. c. 183A (the “Condominium Documents”) have been recorded or filed with Norfolk County Registry of Deeds.

(k) A special permit granted under this subsection L shall be conditioned upon the Planning Board receiving from an attorney licensed to practice in the Commonwealth written certification that the condominium approved under said permit has been created in compliance with the terms and provisions of the then applicable G.L.c. 183A. Any amendment to the special permit requiring amendment to the Condominium Documents shall be conditioned on the delivery of a similar certification.

(l) Provisions of this subsection L shall be construed as superseding subsections A, B, C, D and E of Section VI and shall be in addition to subsections F and G of said Section VI. The provisions of paragraph 7 above shall supersede the provisions of A.I of Section VII. Condominium conversions under this subsection shall be subject to all other provisions of this bylaw where intent and context so permits.