

ARTICLE 6 – REVISED RECOMMENDATION FOR FALL TOWN MEETING 2012

RECOMMENDED that the Town vote YES to amend Section 10 of the General Bylaws, known as the Zoning Bylaws, by adding the following Subsection L to Section III as amended: Assisted Living Residence Development

ASSISTED LIVING RESIDENCE DEVELOPMENT (ALRD)

In a residential district on a lot (including a combination of adjacent lots in one ownership) with at least 75 feet of frontage on a state highway containing at least 150,000 square feet of land (not including wetlands, land within the 25 wetland buffer zone, vernal pools and land within the 100' vernal pool buffer zone) with access to the state highway at a fully signalized intersection, a residential use for an Assisted Living Residence Development may be permitted by a Special Permit for an Assisted Living Residence Development (a planned unit development) issued by the Planning Board upon terms and conditions meeting the requirements of this subsection, upon such other terms and conditions as the Planning Board may consider reasonable and appropriate, and upon a finding that the development will enhance the public good, provide significant public benefit, benefit the neighborhood and have no significant detrimental impacts.

An Assisted Living Residence Development (ALRD) shall meet the following requirements:

1. Certification; Developer/Operator

It shall be certified as an assisted living residence by the Executive Office of Elder Affairs (or successor agency) pursuant to M.G.L. c.19D (or successor statute) and provide the services and meet the requirements prescribed therein and in 651 CMR 12.00 (or successor regulations).

The developer shall also be the operator of the ALRD and shall be experienced in the successful development and competent operation of other assisted living residences.

2. Units

An ALRD shall have no more than 100 units in a single building with primarily one-bedroom units and no more than 10 two-bedroom units. The units shall be rental apartments designed for frail elderly persons who need assistance with activities of daily living. Units shall include a kitchen and bathroom.

3. Common Area Space

There shall be a significant amount of common area space in an ALRD, including living rooms, sitting areas, dining rooms, activity rooms and screened porches. Common area space (exclusive of hallways) shall cover at least 10% of total floor area. There shall be a courtyard or other similarly secure outdoor area with at least 8000 square feet. This area shall be designed to provide outside uses.

4. Services

Services offered to residents in an ALRD shall include assistance with activities of daily living (bathing, dressing, undressing, personal care and medication supervision), three meals a day with waited service, apartment housekeeping and linen change, organized social programs, recreational activities, transportation to outside appointments and needs, 24-hour staffing, and emergency response through a call system in each apartment. Commercial activities not for the exclusive use of residents shall not be

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permitted provided that guests may be served in dining areas. Any commercial activities for the exclusive use of residents shall be specifically authorized in the special permit.

5. The Building and Accessory Buildings.

In an ALRD, the units and indoor accessory uses shall be contained in a two-story building (with or without a basement) with a pitched roof not to exceed 35 feet above finished grade (without berms) at its highest point (the “Building”). The Building shall have a landscaped central courtyard or other similarly secure outside area providing sitting areas and outside uses. The Building (exclusive of any courtyard) and any accessory buildings shall cover no more than 33% of the Buildable Area of the lot (the area which does not include wetlands, land within the 25’ wetland buffer zone, vernal pools, and land within the 100’ vernal pool buffer zone). Any accessory building shall be one story with a pitched roof and windows to be used for storage of equipment, supplies and tools, used at this ALRD, such as lawn mowers and snow removal equipment, fertilizer, salt, rakes and shovels; small accessory structures for resident activities, such as a gazebo, may also be authorized in the special permit.

6. Open Space

In an ALRD at least 33% of the Buildable Area of the lot shall be open space (Open Space). Open Space shall include land left in its natural state, gardens, the courtyard, and other open land suitably landscaped in harmony with the terrain of the site and in harmony with the Building and any accessory building. Open Space shall not include driveways, sidewalks, and parking areas but may include walkways provided for enjoyment of the Open Space. As part of the Open Space there shall be a landscaped area not less than forty feet wide on all lot lines; this landscaping shall enhance the prospect of the Building viewed from outside the ALRD and provide attractive views from within the Building. Driveways and sidewalks may be sited to pass through this area as necessary.

7. Driveways and Access

In an ALRD there shall be a safe and convenient driveway system designed to meet foreseeable needs. Access to and from the state highway shall be at a fully signalized intersection (an intersection with a traffic signal providing regular red and green intervals for the intersecting streets). Driveways may connect to an access roadway to and from the signalized intersection. Such an access roadway shall provide safe and convenient access to the driveway of the ALRD. In the event that use of a driveway on site over a right of way or easement is permissible for persons, who are not residents, guests, employees or business invitees, reasonable provision shall be made to ensure safe, compatible, non-disruptive use by such persons.

8. Rights of Way or Easements

A lot or lots separated from one or more other lots in the same ownership by right or way or easement in other ownership may be deemed to be a single lot for purposes of this subsection so long as the lots would be contiguous but for the right of way or easement and further provided that the use of the right of way or easement, contiguous to such lots, is restricted to uses with no substantial adverse effect on the ALRD. The right of way or easement, contiguous to such lots, shall be restricted so as to ensure safety, to prevent deleterious uses, and to present an attractive well-maintained appearance. The right of way or easement area contiguous to a lot or lots shall be kept in a safe and well maintained condition by the operator of the

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ALRD as part of its obligations under the special permit. Terms and conditions on the construction, maintenance and use of the right of way or easement may be imposed in the special permit, and the operator shall be obligated to ensure compliance with all such terms and conditions. The area of the right of way or easement shall not be included in the Buildable Area. Set-backs, otherwise applicable with respect to streets and abutting properties, shall not be required on account of the right of way or easement being in separate ownership provided that a lesser, appropriate set-back from the right of way or easement shall be required.

9. Parking

In an Assisted Living Residence at least one parking space shall be provided for every two (2) dwelling units. Covered parking may be provided in the basement of the Building. Other covered parking including garages, shall not be permitted. Parking areas and the area of driveways, sidewalks and walkways shall cover no more than 33% of the Buildable Area of the lot with impermeable surfaces.

10. Sign

An exterior permanent sign at the signalized intersection providing appropriate prominent notice of the presence of the ALRD may be erected with the consent of the landowner of such size and construction and upon such terms as may be specified by the Town's Sign Review Committee. Alternatively the sign may be sited on the ALRD's frontage on the state highway giving appropriate, prominent notice of the presence of the ALRD and its access from the signalized intersection.

11. Utilities

All electric, gas, telephone, water distribution lines and other utilities shall be placed underground. The ALRD shall be connected to Town water and sewer. The stormwater management system shall be designed in accordance with the DEP'S Stormwater Management Guidelines and Regulations and the Town of Milton Stormwater ByLaw, as amended. Installation of utilities and the drainage system shall meet reasonable requirements imposed by the Town's Department of Public Works. Central heating and air conditioning shall be used if practicable.

12. Design Standards and Requirements

In an ALRD, the Building shall be of high architectural quality. It shall be located in an appropriate place on the site, with landscaped buffers, and compatible in style, scale and massing with its site and environs. The Building shall meet the following design standards:

- a. Architecture of the Building shall be consistent and coherent in all its elements and compatible with and complementary to its surroundings, in form, scale and massing. The exterior façades and the façades of the interior courtyard shall receive equal treatment in design, material and architectural elements. The rear and sides of the Building shall be given the same careful attention as the front.
- b. The scale of the Building shall not overpower its site or landscape context. The apparent scale of the Building shall be reduced by providing variations in massing and architectural elements. The Building shall have an inviting, human scale.

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- c. There shall be a distinctive principal entrance to the Building with a large porch suitable for sitting and a covered pick-up/drop-off area designed as an integral part of the building at the principal entrance. The porch and covered pick-up/drop-off area shall be in the same architectural style as the rest of the Building.
- d. Windows and doors shall be surrounded by appropriate architectural elements setting the windows and doors off from the plane of the façade. Muntins shall be used in the top half of windows. Any vents or grilles for air conditioner units shall be incorporated into the architectural elements surrounding the window units so as to present a coherent visual whole.
- e. Each door, doorway, window or window grouping shall be suitably proportioned to the building. Each unit shall have windows that open, if practicable. Small windows, disruptive to architectural continuity, shall not be used.
- f. Exterior lighting fixtures shall be appropriate to the architecture and shielded to prevent significant light over-spill into adjoining residential areas.
- g. The roof-line shall be visually coherent and architecturally well defined. A pitched roof, cornices and other appropriate architectural elements shall be used. Dormers and/or gables shall break the planes of the roof.
- h. Building materials should be of high quality. Traditional materials and colors that are in keeping with the architectural context shall be used when reasonably possible.
- i. Building walls shall not present unrelieved flat surfaces. Windows, doors, dormers, window bays, porches and architectural elements shall project or be recessed in order to relieve such flatness unless good architectural cause exists for a different treatment.
- j. Interior spaces shall be designed so that units are resistant to noise from the adjoining units (a sound transmission class (STC) rating of 60 shall be required at demising walls and at floor/ceiling assemblies, or such other then applicable reasonable standard as the Planning Board may specify). Construction methods and uses of materials may be specified by the Building Commissioner in order to ensure high-quality construction, however, such methods and materials shall not be in conflict with building, fire and life safety codes nor industry standards for an assisted living use type.
- k. Accessory structures shall be designed in the same architectural style as the Building. Accessory structures shall present an unobtrusive appearance.
- l. Landscaping shall enhance the overall design of the building and integrate the ALRD into the surrounding area. Landscaping shall provide some significant screening of the building when viewed from offsite. Evergreen and deciduous plantings, some of which shall be trees expected to attain a large size, shall be used with other landscape features. The landscaping shall enhance the view of the Building when viewed from off-site. Walkways and sidewalks shall provide safe and convenient passage of pedestrians on site and to a bus stop on the state highway (if bus

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service shall be available). Driveways, walkways and sidewalks shall be well constructed, paved and drained. Lighting of driveways walkways and sidewalks shall be sufficient to ensure safety and shielded to avoid significant off-site light over-spill. Paved elements should be considered part of the landscape plan and consistent with the style of the Building.

- m. Parking areas for residents shall be convenient to the Building. Landscaping shall surround and screen parking areas from abutting residential areas. Landscaping within parking areas shall mitigate unrelieved pavement. Provision shall be made for pedestrian safety. Insofar as practicable, design of parking areas shall also comply with the design standards specified in Section VII.H.
- n. Any dumpster shall be enclosed by fencing compatible with the architecture and located unobtrusively without significant negative impact.
- o. Compressors and other mechanical equipment for systems in the Building shall be visually screened and audibly buffered. Equipment on the roof shall be in a well providing such screening and buffering without architectural disruption.
- p. If an applicant shall propose a design treatment which is consistent with the intent of these design guidelines, which is inconsistent with one or more specific guidelines, but which contributes to a better design, for good cause the Planning Board may allow modification of one or more guidelines so as to achieve such a better design than would exist without such modification.

13. Special Permit Application

An application for a special permit for an ALRD shall include a plan meeting the requirements for a site plan specified in Section VIII.D.2 and such other requirements as may be specified by the Planning Board. The site plan for the ALRD may be contained in one or more plans prepared in a form suitable for recording by a Registered Professional Engineer or a Registered Land Surveyor, and in accompanying text and material. Applicants shall secure the assistance of a Registered Architect and a Landscape Architect in preparation of the site plan. A site plan, approved by the Planning Board, is a prerequisite of a special permit for an ALRD granted under this Subsection L, and construction of the ALRD shall be strictly in accordance with the approved site plan and the provisions of the special permit. Insofar as not part of the site plan an application for a special permit for an ALRD shall also include the following plans and such other material as may be required by the Planning Board:

- (a) Existing conditions plan
- (b) Topographical plan with two-foot contours
- (c) Wetlands delineation plan (if applicable)
- (d) Utility Plan
- (e) Storm water plan and drainage calculations
- (f) Concept plans for the Building and any accessory structures. The plans shall include detailed elevations of the proposed Building with dimensions, square footage and floor layouts
- (g) Exterior elevations, including the elevations of the interior courtyard
- (h) Massing studies including a three-dimensional representation of the proposed Building

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- (i) A minimum of one perspective rendering
- (j) Landscape and hardscape plan including siting, grading, driveways, walkways, walls, parking plan, open space and showing significant natural site features
- (k) Lighting plan showing all exterior lighting
- (l) A description by the architect of the architecture of the proposed Building and an explanation of how it fulfills the requirements of the zoning
- (m) A specification of all services to be provided to residents and specification of the area of the Building where such uses will occur.
- (n) Copies of the owner(s)' deeds or deeds to the lot or lots for the site of the ALRD.
- (o) A plan showing any improvements and landscaping for any access road to the signalized intersection at which access to and egress from the ALRD shall be made from the state highway.
- (p) The proposed location of the sign for the ALRD and specification of its proposed size, and construction.

14. Application Review Fees

When reviewing an application for a special permit for an ALRD, the Planning Board may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of the proposed project or because of the project's potential impacts. The Planning Board may require that an applicant pay a review fee, consisting of reasonable estimate of costs to be incurred by the Planning Board for employment of outside consultants. In hiring outside consultants, the Planning Board may engage disinterested engineers, planners, architects, urban designers or other appropriate professionals. Expenditures may be made at the direction of the Planning Board and shall be made only in connection with the review of the specific project for which the review fee has been paid. Failure of an applicant to pay a review fee shall be grounds for denial of the application. At the completion of the Planning Board's review of the project, any unused portion of the review fee shall be returned to the applicant, and a final report of expenditures shall be provided to the applicant.

15. Notice, Procedures and Standards for Decision

The notice and procedural requirements set out in Section 1X.B and C and the standard to be used in rendering a decision set out in Section 1X.C shall apply to special permits for ALRDs under this Section. The Planning Board may grant a special permit for an ALRD where it finds compliance with the foregoing standard and that (a) the ALRD complies with the requirements of this Section and (B) the ALRD will not cause any substantial detriment to the neighborhood, will have a substantial beneficial effect for the neighborhood and will provide a significant public benefit. A special permit may be made subject to such terms and conditions as the Planning Board may find necessary or appropriate.

The provisions of this Subsection L shall be construed as being in substitution for the provisions of Section VI. Otherwise ALRDs shall be subject to other provisions of this bylaw where the context so permits.

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COMMENT: The Planning Board proposes to add a new section to the Zoning Bylaws to allow for Assisted Living Residence Development by Special Permit in a Residence District. The purpose of this article is to facilitate the availability of assisted living residences and services. Assisted Living is a special combination of housing, ancillary support services and personalized care that is designed to respond to the individual needs of adults requiring help with activities of daily living, but who do not require the skilled medical care provided in a nursing facility. The Planning Board is aware of operators interested in building and operating such facilities in the Town. As Assisted Living is a use group not addressed in the existing Zoning Bylaws, a zoning amendment was crafted by the Planning Board. The Planning Board has identified one site that qualifies under this article, though other sites may also qualify. Since the printing of the Warrant, the article was reviewed and revised by the Warrant Committee in conjunction with the Planning Board in order to better reflect the goals of the article. The revised language is contained in the Warrant Committee's Recommendation. The amendment of Zoning Bylaws requires a two-thirds vote of Town Meeting.