

Comments on Fall 2012 Town Meeting Article 6 - Proposed Assisted Living Zoning

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In my opinion a zoning article regarding assisted living should:

- * Be in the interest of the Town, and should be written accordingly. It should not be written in the interest of one private party, unless those interests are determined to be the same as the interests of the Town.
- * Be modelled on industry standards for model zoning, and should draw upon examples from other towns
- * Be reviewed and endorsed by Town Counsel, including detailed review of language
- * Allow for a range of operating models, which could include non-profit or for-profit, rental or ownership, continuing care, long term care, memory care, hospice care
- * Address affordability, both in the interests of the Town's seniors, and also in the interests of the Town's need for affordable housing. Consider providing preference in occupancy to current Town residents.
- * Address sustainability in siting, construction, and operation. Consider providing zoning bonus if renewable energy is used.
- * Allow for more than one possible site within Town, with review and analysis of possible siting considerations, including parcel size, compatible uses, access to public transportation for residents, staff, and visitors. Consider the benefits of ALRD as part of a mixed use development, for example on a site in or near a commercial district. Standish Village at Lower Mills in Dorchester is a good example, with senior housing and day care occupying a single site. Retail or commercial space could be combined with ALRD in commercial districts. Seniors need not be isolated in remote areas of the Town.
- * Provide for zoning control of scale, setbacks, height, and lot coverage, without controlling architectural design. Architectural design review can and should be addressed by the Town, without zoning language requiring pitched roofs and traditional materials.

The following are specific comments on the text of the article submitted to Fall 2012 Town Meeting:

- * Introductory paragraph on ALRD, last sentence: I suggest that the language requiring that an ALRD "enhance the public good, provide significant public benefit, benefit the neighborhood" be revised and clarified. How would these be defined, how would they be achieved, and how would the Planning Board determine that a proposal has met these criteria? What would be the benefit of an ALRD to a neighborhood or abutters? Wouldn't a development potentially increase traffic and noise, and potentially impact views, sun/shade, drainage, wildlife habitats? What would be the "significant" public benefit, and enhancement to the public good from an ALRD? Is an increase to our tax base a "significant" public benefit? Is that alone a sufficient public benefit? Should there be preference given to Town residents in housing or employment? Should an ALRD provide public uses on its site, such as public open space, meeting space,

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recreational space? Are there other public or neighborhood benefits from an ALRD that should be addressed in the zoning?

- *#2 - Units: “frail elderly” may not address those in good physical health but with memory issues. Why not just say “elderly”? Do we want to consider continuing care, where people who do not yet need assistance with activities of daily living can move in and later transition to assisted care? “Units shall include a kitchen...” Depending on the operating model, units could include full kitchens, a kitchenette, a sink and cooktop, or no cooking facilities at all. Should the zoning limit these choices?
- *#4 - Services: Should the zoning require “three meals a day with waited service”? Should this be determined by the operator depending on their model?
- *#5 - Building: The zoning language should not be defining the architectural design. Zoning should limit height and area and setback, but should not require “a two-story building”, and “a pitched roof”. Shouldn’t a single story building be allowed? Or a three story building, depending on the location and site? Should a two-story accessory building be allowed, if it meets the height and area and setback limits?
- *#7 - Driveways and Access - the zoning article should address access, location, and timing of deliveries and trash removal, to minimize the impact of truck traffic on abutters and the neighborhood.
- *#8 - Rights of Way or Easements - this language appears to be prescriptive for a specific site, but without naming that site. In my opinion, an assisted living zoning article in the interest of the Town should not be written for a single site / single owner.
- *#9 - Parking - Has the number of one parking space for every two dwelling units been compared to industry standards and zoning in other towns? Why not allow covered parking, if it can be accomplished within the height and area limits, and setbacks? Why not allow parking above a basement level, if it is screened from view of abutters?
- *#10 - Sign - Is this language necessary in addition to the Town’s existing signage controls? How does this language compare to those controls? Why should the Town require a “prominent” sign? How is “appropriate” defined and enforced?
- *#12 - Design Standards:
 - * Introductory paragraph: requiring the building to be in “an appropriate place on the site” is not sufficient zoning control. How is “appropriate” defined and enforced? The zoning should provide for specific dimensions for setbacks and specific siting requirements.
 - * a. Architecture - why not allow an interior courtyard to have a different treatment than the exterior? Should an interior courtyard be required by zoning, or a choice of the developer consistent with zoning requirement for height and area and setbacks?
 - * c. Covered pickup and dropoff is a good requirement, but why is a porch required at the principal entrance? Why should zoning determine the architectural style of pickup/dropoff or a porch?
 - * d. “Muntins shall be used in the top half of windows.” Zoning should not determine the use of muntins in the window design.
 - * e. “Small windows, disruptive to architectural continuity, shall not be used”. Zoning should not determine the architectural style of the building.

Comments on Fall 2012 Town Meeting Article 6 - Proposed Assisted Living Zoning

- * f. Addressing the impact of building and site lighting is good. Suggest that the lighting be designed to prevent any light overspill off the site, not just “significant” overspill. Good sustainability practice requires no overspill.
 - * g. Zoning should not determine the architectural style of the building, and should not require “a pitched roof” and “dormers and/or gables” to break the planes of the roof. It is possible to design an attractive building with a flat roof.
 - * h. “Traditional materials and colors” should not be required by zoning. Zoning should not determine the architectural style of the building.
 - * j. Zoning should not be used to determine construction of interior partitions.
 - * k. Accessory structures should be subject to height and area and setback limitations, but the zoning should not determine the architectural style of accessory buildings.
 - * l. Landscape requirements should be more restrictive to protect the interest of the neighbors and the Town. The language calling for plantings, “some of which shall be trees expected to attain a large size” is not sufficiently prescriptive. As interpreted by a developer, “some” could be 1 or 2, and “expected to attain a large size” could be small saplings which could take decades to achieve this standard. Suggest this language be revised to be more specific and require a higher standard at the time of planting. Same comment as “f” above regarding light overspill.
 - * n. Dumpster requirements and limitations on deliveries and trash removal (locations, frequency, hours) should be more restrictive to protect the interest of the neighbors and the Town
 - * o. Restrictions on mechanical equipment should be more restrictive, including maximum decibel levels
- * #15 - Notice, Procedures and Standards for Decision: Similar to the language in the introductory paragraph on ALRD, I question the language that 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”. How are these criteria defined, measured, and determined to be met? The first phrase prohibits “substantial” detriment to the neighborhood, but would allow some detriment if it is not “substantial”? At the same time an ALRD is required to have a “substantial beneficial effect” for the neighborhood. How is this accomplished, when any development will likely increase traffic and noise, and potentially impact views, sun/shade, drainage, wildlife habitats? What would be the benefit of an ALRD to a neighborhood or abutters? What would be the “significant” public benefit from an ALRD?