

# **PLANNING BOARD SENIOR HOUSING BYLAW STRATEGY**

## **MARCH 2021**

---

### **INTRODUCTION**

A working group of the Harvard Planning Board has been tasked to develop a strategy to address senior housing development for Harvard. This effort followed the initial development of a broad senior housing bylaw intended to be discussed at Special Town Meeting 2020 but was thought to need additional public process.

As a part of this process, the working group completed the following research:

- Conducted a Senior Housing Survey and held a Senior Housing Focus Group
- Conducted a General Population Residential Survey and held a General Population Focus Group
- Conducted a Visual Preference Survey, and
- Held discussions with Massachusetts Planners and Developers.

Based on these findings, this working group has recommended that instead of a single bylaw covering eight (8) types of senior housing, that instead the Planning Board pursue a multi-phase effort that separately addresses the most important types of housing and does so in a more achievable and explainable method. Our original bylaw effort had the following downsides:

1. A very large bylaw (25 pages or more) to explain and try to pass.
2. Overlap with several existing bylaws. Amendments needed to several other protective bylaw sections including accessory apartments, OSC-PRD, definitions, ARV-SP, site plan review, special permits, plus likely amendments to chapters 130 and 133.
3. More types than are supported by public feedback.
4. Addition of other possible bylaws for design review and inclusionary zoning.

Instead, the number of types has been reduced and rather than the approach taken above, we would break up the remaining types to pursue into three (3) distinct phases that are outlined below.

1. Add cottage or cluster housing option including a village center type (via OSRD)
2. Add option for senior independent living for ARV-SP or MR
3. Modify accessory apartment provision to make more attractive
4. Review assisted living to determine if any amendments to make more viable
5. Add definitions based on amendments.

In addition, we would consider the following as well:

1. Consider adding a viable CCRC option for Harvard
2. Allow for conversions and infill development in center(s) and other appropriate locations.
3. As a part of all this, we would make a decision on design, either sticking to guidelines and hope that we get developers willing to follow them, or establish design requirements, to have more teeth.

**THE WHAT** (Phase 1 – Spring 2021) – Phase 1 would be a first small step to establish the Senior Housing General Bylaw that would only include references to accessory apartments and assisted living while considering small tweaks to accessory apartments to make it more viable. Those tweaks would be made and each housing type would remain in their current section, with consideration of incorporating them into the General Bylaw at a later time.

**1. Senior Housing General Bylaw §125-57** (the guiding section for senior housing) - Included in the General Bylaw would be:

- a. Administrative provisions for purpose and applicability.
- b. A section for general compliance provisions that includes age restriction, local preference, and how projects address affordability.
- c. Basic development requirements initially setting limits on the number built in total in any one year, and the distance between them.
- d. Senior Universal Design criteria applicable to all senior builds.
- e. Development standards that will initially be limited in scope
- f. References to all Senior Housing types and their associated bylaws (a list and “index” leading to all bylaws that cover senior housing)

The idea is to get it passed in as simple a form as possible where it then becomes available as a crucible for subsequent types we seek to introduce. The initial two (2) types of senior housing are proposed to be:

**Accessory Apartments:** We recommend leaving accessory apartments in its existing section (125-18.1) and making a reference to it in the General Bylaw. (it shall hereinafter to be referred to as an accessory dwelling unit or ADU). There is a need to differentiate between “just a regular old accessory unit” and a senior one. These ways are proposed under #3 below.

**Assisted Living:** We recommend leaving assisted living in the ARV-SP section (125-52) and making a reference to it in the General Bylaw.

**Explaining Design:** This has been one area that has caused some confusion so let me try to categorize the design terminology that we need to keep in mind:

1. Design related to design guidelines or requirements is architectural or site oriented.

2. Design related to unit accessibility shall be referred to going forward as “universal design” and relates to those types of design that meets the criteria in the Appendix.

We are recommending that the universal design criteria be included in the General Bylaw but that building and site design (in line with the C district design criteria) at some point be removed and placed in a separate, standalone design review bylaw but not as this point as the current design guidelines are sufficient for assisted living and not applicable to accessory apartments. In a later phase, as we consider adding additional types, we recommend considering the creation of the standalone design review bylaw and also making some guidelines “requirements” to be more impactful.

This is a pared down version of our original bylaw that contained everything, soup to nuts, regarding senior housing. The reduction eliminates sections on accessory apartments (existing 125-18.1) and assisted living (existing under ARV-SP) where they will remain. All other types have been stripped. It is essentially a container for future types that are not going to be considered now and at some point, we may wish to move assisted living from ARV-SP, where it really does not fit, to this section. It also contains the general language regarding senior housing, references to assisted living and accessory apartments elsewhere, and the senior/age-friendly design material. The design review material will be removed and placed in a new bylaw referenced below.

## **2. Amendments to §125-52 for Assisted Living (ARV-SP)**

We have recommended the following related to this section.:

- a. Leave Assisted Living alone within ARV-SP section for now.
- b. We recommend that consideration of CCRC should be no earlier than fall 2021. By this time, we can learn more about CCRC model that might be a better fit for Harvard...smaller scale, better designs.
- c. Once we determine what to do with CCRC, we should move assisted living (and, if applicable, CCRC) to the General Bylaw.

## **3. Amendments to §125-18.1 Accessory Apartments**

- a. To establish minimum standards for ALL senior units related to universal design as a consistency factor and also shows our seniors that we are thinking of them.
- b. Increase the square footage for units to 1500 s.f. as Harvard seniors have noted their interest in larger units.
- c. Allow “by right” based on inclusion of universal design features (to be clearly articulated).
- d. Rely on the existing general design criteria embedded in 125-18.1.

## **4. Finally, we recommend eliminating 18.2, Affordable accessory apartments, as they serve no useful purpose and will seek to address affordability in Phase 3.**

## **THE WHEN:**

There were three (3) options originally considered by the working group for the timing of bylaw amendments. The following was ultimately recommended for spring 2021:

### **Spring 2021 – Annual Town Meeting:**

1. Senior Housing Bylaw §125-57 (the guiding section for senior housing)
  2. Reference in new 125-57 to §125-52(I) Assisted Living but keep in place for now.
  3. Amendments to §125-18.1 Accessory Apartments, and
  4. Eliminate §125-18.2 Affordable Accessory Apartments
- 

## **SENIOR HOUSING PHASES 2 & 3**

The next two town meetings then would roll out the rest of the recommended program as follows:

### *Fall Special Town Meeting 2021*

- a. Remove Assisted Living from ARV-SP, amend, and place under Senior Housing Bylaw
- b. Consider a workable CCRC provision for C District
- c. Adopt new OSRD by replacing §125-35
- d. Modifications to 125-10, Conversion for multiple residence
- e. Amendments to §125-2 Definitions

### *Spring Annual Town Meeting 2022*

- a. Adopt a new Village Center District (VCD)
  - b. Expand and amend Hildreth House Overlay District (if not part of VCD)
  - c. Map the MR District
  - d. Amendments to provisions governing MR district
  - e. Adopt new Inclusionary Housing Bylaw
  - f. Amendments to §125-2 Definitions
-