

**PLANNING BOARD BYLAW STRATEGY PROPOSAL**  
FEBRUARY 16, 2021

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**INTRODUCTION**

The Senior Housing Sub-Committee has completed the following research: Senior Housing Survey, Senior Housing focus Group, General Population Residential Survey, General Population Housing Focus Group, Visual Preference Survey and has held discussions with Massachusetts Planners and Developers. Based on our findings, we are recommending that instead of a single bylaw covering eight (8) types of senior housing, 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 make them more viable. Those tweaks would be made, keeping each housing type 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 previously referred to as the “shell”. 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 #4 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. Alternatively, we could remove it as-is and place it within the General Bylaw now, but the plan would be to do this in one of the three phases at some point. We could consider reviewing the text of the assisted living provision to assess whether there is any element that could be amended to facilitate greater viability.

**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 and/or CCRC (ARV-SP)**

We have recommended the following related to this section.:

- a. Leave Assisted Living alone within ARV-SP section for now but consider reviewing for any needed amendments to clarify or make more viable. One thing to consider is the amendment to Section 125-32D recommended by Lou Russo.
- 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. Definitions**

There may be specific definitions that we need to add to either the senior housing General Bylaw (easier) or the bylaw section 125-2 (a little harder). Currently, §125-2 includes definitions for Accessory, Assisted Living Facility, Assisted Living Unit, Dwelling Unit, Open Land, and OSC-PRD. We may wish to consider the following definitions to be added to the General Bylaw at this time and maybe moving to 125-2 at a later time.

1. Assisted Living Residence
2. Senior Household
3. Senior Person

And any other term in the proposed General Bylaw, ADU amended section, and amended assisted living section.

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

1. 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.

2. Increase the square footage for attached/integrated units to 1500 s.f. and detached to 2000 s.f, and connect it back to lot size and percentage of the primary unit as Harvard seniors have noted their interest in larger units.
3. Differentiate between the types regarding how many would be allowed or on specific lot sizes.
4. Allow “by right” based on inclusion of universal design features (that need to be clearly articulated).
5. Rely on the existing general design criteria embedded in 125-18.1.

Finally, we need to consider eliminating 18.2, Affordable accessory apartments.

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## THE WHEN:

There were three (3) options considered by the subgroup for timing of bylaw amendments.

**\*Option 1: Minimalist Approach** (Offer a and b in the spring of 2021)

- a. Senior Housing Bylaw §125-57 (the guiding section for senior housing)
  - [1] Reference to accessory apartments (Option a. above)
  - [2] Reference to assisted living (Options a. or b. above)
- b. Move design review, changes to accessory apartments, CCRC, assisted living to future Town Meeting.

**Pros:** Easy to pass. Sets the stage for future amendments.

**Cons:** Accomplishes virtually nothing of substance.

**\*Option 2: Maximum Approach** (Offer a – d in the spring of 2021)

- a. Senior Housing Bylaw §125-57 (the guiding section for senior housing)
- b. Amendments to §125-52 for Assisted Living and/or CCRC (See above options)
- c. Amendments to §125-18.1 Accessory Apartments and eliminate §125-18.2 Affordable Accessory Apartments
- d. Amend §125-32D to facilitate more sewerage options in C district.

**Pros:** We get everything we were planning for in Phase 1. Reduces future heavy lifting.

**Cons:** Highest reach, more complex, risky, harder to explain

**\*Option 3: Midpoint Approach (Offer a, b, c, d, and e spring 2021) **RECOMMENDED****

- a. Senior Housing Bylaw §125-57 (the guiding section for senior housing)
- b. Amendments to §125-18.1 Accessory Apartments and eliminate §125-18.2 Affordable Accessory Apartments
- c. Keep assisted living as-is and defer CCRC consideration

**Pros:** Eliminates the most contentious and least agreed upon provisions for now.

**Cons:** Does not respond to a segment of senior population who are interested in CCRC/AL

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**Other Planning Board Questions for Thursday**

- 1. Are there any scenarios that should be considered that are not presented here?
- 2. Are there any types of housing that are not presented above that should be considered this spring?

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**SENIOR HOUSING PHASES 2 & 3**

Some of the tasks in phases 2 and 3 would be dependent on what we pursue in phase 1 but if we choose to take the Midpoint Approach (as recommended). They might go as follows:

*Fall Special Town Meeting 2021*

- a. Remove Assisted Living from ARV-SP, amend, and place under Senior Housing Shell
- b. Consider CCRC provision
- 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 new Village Center District as §125-59
- b. Expand and amend Hildreth House Overlay District (if not part of 125-59 Bylaw)
- c. Map the MR District
- d. Amendments to provisions governing MR district
- e. Adopt new §125-58 Senior Inclusionary Housing
- f. Amendments to §125-2 Definitions

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**Appendix – Universal Design Criteria to Consider**

1. **Equitable Use.** The design is useful and marketable to people with diverse abilities. For example, a website that is designed so that it is accessible to everyone, including people who are blind, employs this principle.
2. **Flexibility in Use.** The design accommodates a wide range of individual preferences and abilities. An example is a museum that allows a visitor to choose to read or listen to the description of the contents of a display case.
3. **Simple and Intuitive Use.** Use of the design is easy to understand, regardless of the user's experience, knowledge, language skills, or current concentration level. Science lab equipment with control buttons that are clear and intuitive is a good example of an application of this principle.
4. **Perceptible Information.** The design communicates necessary information effectively to the user, regardless of ambient conditions or the user's sensory abilities. An example of this principle being employed is when television programming projected in noisy public areas like academic conference exhibits includes captions.
5. **Tolerance for Error.** The design minimizes hazards and the adverse consequences of accidental or unintended actions. An example of a product applying this principle is an educational software program that provides guidance when the user makes an inappropriate selection.
6. **Low Physical Effort.** The design can be used efficiently and comfortably and with a minimum of fatigue. Doors that are easy to open by people with a wide variety of physical characteristics demonstrate the application of this principle.
7. **Size and Space for Approach and Use.** Appropriate size and space is provided for approach, reach, manipulation, and use regardless of the user's body size, posture, or mobility. A flexible science lab work area designed for use by students with a wide variety of physical characteristics and abilities is an example of employing this principle.