## PB Voted 1.17.22

## SENIOR HOUSING OVERLAY DISTRICT

To see if Town Meeting will vote to amend Norwell Code Chapter 201 Zoning as set forth below:

I. By amending Chapter 201-6-1.A. by adding the following:

(13) Senior Housing Overlay District.

II. By amending Chapter 201-6-2 by adding the following:

K. The Senior Housing Overlay District shall include all land in the C-1 and C-2 Districts and also the land known and shown as:

0 Washington Street. Assessing Map 12C, Parcel 25-67 ( .57 Acres);

367 Washington Street. Assessing Map 12D, Parcel 26-003 (3.40 Acres);

383 Washington Street. Assessing Map 12D, Parcel 26-001 (7.00 Acres);

399 Washington Street, Assessing Map 12D, Parcel 26-006; and

401 Washington Street. Assessing Map 12D, Parcle 26-010 (9.49 Acres).

**§ 201-28.1. Purpose.**

The purposes of the Senior Housing Overlay District (SHOD) are to:

1. Provide for the establishment of a specialized Senior Housing Community (“SHC”) use to provide a mixed and diverse varieties of enriched service, supportive and secure housing for individuals sixty-two (62) years of age or older who do not want or need placement in a hospital or nursing home. A SHC use shall provide a combination of housing, ancillary support services and personalized care that is designed to respond in a homelike setting to provide senior citizens with a combination of independent living units, assisted living units and memory care units.
2. Create regulatory procedures to promote flexibility in land use planning in appropriate locations for the uses defined herein.
3. Provide housing for the benefit of senior citizens in order to meet the goal of preserving municipal character and diversity.
4. Provide for the development and use of specialized housing and supportive services for the seniors on the basis of the Town Meeting’s authorization to the Planning Board to issue a special permit in the permitted districts with greater flexibility from the pattern otherwise permitted in underlying districts.
5. Create health care, housing and other supportive services designed to meet the needs of the elderly population and to enable that population to live independently.
6. Allow for the nursing care of the elderly and the relief of the physical, economic and emotional stress associated with the maintenance and care of traditional nursing home and residential properties; however, a SHC use may, but need not, include the provision of the skilled medical care provided in a nursing facility.
7. Encourage the preservation of open spaces.

**§ 201-28.2. Applicability.**

A SHO Use shall be allowed upon issuance of a special permit under this article to property located in the Senior Housing Overlay District (SHOD) as identified under §201-6-2.K.

All requirements of the underlying zoning district(s) shall remain in full force and effect, except that the requirements of the SHOD shall supersede the underlying zoning regulations upon the issuance of a special permit from the Planning Board, including but not limited to the District and General Regulations at Parts 2 and 3 of the Zoning Bylaw. In case of conflict between the regulations of the SHO ZBL and the underlying zoning district(s) and other regulations in this bylaw, if applicable, the regulations of the SHOZBL shall control, whether more or less restrictive.

**§ 201-28.3. Locations and Eligibility.**

An SHC Use shall be allowed only on property that has been merged into a single lot for zoning purposes and that has a minimum of 10 contiguous acres of land, inclusive of wet areas, but there shall be a minimum of 8 acres of upland. The location of a SHOD shall include all land designated by Town Meeting as being within the SHOD, pursuant to G.L. c. 40A, § 5.

**§ 201-28.4. Definitions.**

The following definitions shall apply in the Senior Housing Overlay District, Article 28.

**Applicant:** The person or legal entity who applies for issuance of a special permit for construction of a Senior Housing Community hereunder. The Applicant shall control the subject property and must: (i) own, or be the beneficial owner of, all the land included in the proposed site; (ii) have written authority from the owner(s) to act; or (iii) hold an option or contract duly executed by the owner(s) and the Applicant giving the latter the right to acquire the land to be included in the site.

**Assisted Living Units:** Dwelling units for individuals or couples aged 62 and over in need of assistance with activities of daily living. Such dwelling units may include facilities for cooking or eating.

**Height:** The vertical distance from the average finished grade of the adjacent ground to the top of the structure of the highest roof beams of a flat roof, the deck of a mansard roof, or the mean level of the highest gable or slope of a hip roof.

**Independent Dwelling Units:** Dwelling units similar in character and use to congregate housing units and providing elderly residents of such units with access to all supportive services provided in congregate housing units. Such dwelling units shall include facilities for cooking or eating.

**Senior Housing Community:** A self-contained residential community created expressly for residence and use by persons aged 62 years or older that consists of independent living units and assisted living units (including memory care units), or a combination thereof. For such independent living units, ancillary services may be provided to residents such as meals and communal dining, transportation, laundry, recreation, entertainment, exercise, therapy, beautification, automated teller machines and limited banking, and community activities. For such assisted living units, the foregoing services may be provided to residents in addition to the supportive services permitted by M.G.L. c. 19D and the regulations promulgated thereunder. A Senior Housing Community shall be permitted only within the SHOD and only upon the granting of a special permit by the Planning Board.

**Wet Areas:** All land, other than wetland buffer zones, subject to the provisions of the Massachusetts Wetland Protection Act, MGL c. 131, §§ 40 and 40A, and the Town of Norwell Wetlands Bylaw.

**§ 201-28.5. Use Restrictions and Requirements.**

A Senior Housing Community, consisting of the uses set forth below, individually or in combination, may be authorized by a special permit issued by the Planning Board pursuant to this Article and in compliance with the standards set forth herein:

1. Multi-unit residential structure(s) consisting of dwelling units occupied by persons 62 years of age or older and which are designed as apartment style structures that consist of independent living units and assisted living units (including memory care units), or a combination thereof. There may be more than one building on a single lot in a Senior Housing Community, provided that the Planning Board finds that the buildings have a safe separation after consulting with the Fire Chief and a peer review consultant.
2. Structures and uses accessory to the Senior Housing Community including but not limited to: meals and communal dining, transportation, laundry, recreation, entertainment, exercise, healthcare, therapy, beautification, automated teller machines and limited banking, and community activities and parking.

**§ 201-28.6. Application for special permit.**

An application for a special permit for construction of a Senior Housing Community within a SHOD shall be submitted to the Planning Board , accompanied by the filing fee determined in accordance with the Planning Board’s duly adopted fee schedule, and shall include the following information and data, and a development plan as described below:

1. All of the information required for site plan approval pursuant to Zoning Bylaw §201-3.4B.
2. The name(s) and address(es) of the Applicant(s).
3. The name(s) and address(es) of all legal and beneficial owners of the property.
4. Copies of all instruments, options, contracts or encumbrances affecting ownership of the subject property, and an instrument executed by all persons owning property within the subject property consenting to the development of the subject property, as applied for. The certificate of an attorney shall be provided that certifies, based upon a title exam, that all owners have been accurately identified.
5. Development application for the property.
6. A proposed development schedule showing the expected start of construction, the rate of construction and development, and the estimated date of completion.
7. A narrative report prepared by qualified professionals that details the impact of the development on the Town’s capacity to furnish services, including, but not limited to, roads, water, sanitation and drainage.
8. Information regarding the number and kind of dwelling units and accessory structures proposed, their design, their location, the number of units planned for each use (i.e. independent living, assisted living, and memory care), the type of materials to be used in construction. The architecture of the structures shall be sensitive to the abutting structures and residences.
9. Areas to be set aside for building structures and parking areas.
10. A Traffic Study prepared by qualified professionals.
11. Any other information that the Planning Board may reasonably require in a form acceptable to it to assist in determining whether the Applicant’s proposed development plan meets the objectives of this Article.

**§ 201-28.7. Standards.**

The following district and general standards shall apply in the Senior Housing Overlay District, Article 28, and shall expressly supersede those standards applicable to the underlying zoning district(s) upon the issuance of a special permit from the Planning Board, including but not limited to the District and General Regulations at Parts 2 and 3 of the Zoning Bylaw (“ZBL”).

1. **Density.** No building or structure shall be designed, arranged or constructed and no building, structure or land shall be used, in whole or in part, which exceeds one dwelling unit per 2,500 square feet of total land area, inclusive of wet areas.

No Dwelling Unit shall have more than two bedrooms.

The number of bedrooms shall not exceed: 225 bedrooms.

The Planning Board, as the special permit granting authority, shall have the discretion (the right but not the obligation) to grant requested density bonuses as follows:

**Item Density Bonus Range**

* Solar Ready Roofs 1-3% Bonus
* Net Zero Project 10-15% Bonus
* 10% affordable units (at 80%AMI) 10-25% Bonus

**B. Dimensional Regulations.** All dimensions of a Senior Housing Community project shall

comply with the dimensional regulations of this subsection

**1. Minimum Lot Area.** The SHOD site shall contain a minimum of ten (10) contiguous acres of land area, inclusive of wet areas. There shall be a minimum of eight (8) acres of upland.

**2. Minimum Lot Frontage.** SHOD sites shall have a minimum frontage of one hundred and fifty (150) feet and at least two (2) means of ingress/egress provided by a public roadway.

**3. Minimum Yard Setbacks.** No Multi-unit residential building in a Senior Housing

Community shall be erected or placed within fifty (50) feet of an external lot line. No accessory building in a Senior Housing Community shall be erected or placed within twenty-five (25) feet of a lot line. Parking areas shall not be located within twenty (20) feet of a lot line or twenty-five (25) feet of any lot line abutting an existing single family dwelling.

**4. Minimum Lot Width.** The minimum lot width measured at the required setback

line and throughout any primary building shall be 150 feet.**5. Maximum Height.** No building or structure shall be constructed to exceed three (3) stories or forty (40) feet in height. However, structures or appurtenances erected or constructed on or as part of a building and not used for human occupancy, such as chimneys, heating, ventilating or air conditioning equipment, elevator housings, antennas, skylights, cupolas, spires, screening or other pitched roof structures and the like may exceed the maximum height of 40 feet, provided that no part of any suchstructure or appurtenance results in more than a total of 45 feet of height as measured under the zoning bylaw and provided further that equipment and antennae shall be located so as to be not visible from ground level or as minimally visible as possible. Further, the Planning Board may exempt other ornamental or non-habitable architectural features added for aesthetic purposes, provided that the total height shall not exceed 45 feet.

**(6) Maximum Building and Lot Coverage.** In no event shall the maximum coverage of the property by the buildings and structures (Building Coverage) exceed twenty-five percent (25%) of the total land area of the site. In no event shall the total impervious surface areas at the property (Lot Coverage) exceed 50 percent of the land area.

Before any occupancy permit issues, an as-built plan, prepared and certified by a professional land surveyor (PLS), shall be provided to the Building and Planning Departments that certifies, based upon an on the ground survey of existing conditions, post-construction, that the impervious surfaces at the property do not exceed the Maximum Building Coverage and Maximum Lot Coverage requirements.

**(7) Landscaping.** Appropriate buffer screening shall be designed to be an effective, dense growth that shall provide an effective year-round screening and installed within yard areas adjoining or facing residential properties, to the extent deemed appropriate by the Planning Board as a part of the special permit approval process.

Where deemed appropriate by the Planning Board, fencing will be required by the Planning Board. All parking areas shall be adequately screened from adjoining residential streets and abutting residential properties, to protect against noise, sound, and odor instructions upon abutting properties. Such screening shall be of sufficient height, visually effective year-round, either fencing or through appropriate landscaping, at the Planning Board’s discretion. If landscaping is used, it shall be designed and maintained so as to provide year-round protection. The Applicant shall file a landscape plan, prepared by a landscape architect, that demonstrates sufficient plantings to provide adequate screening. Upon completion of a Senior Housing Community development, no vegetation in this buffer area may be disturbed, destroyed or removed, except for normal maintenance.

**C. Off-Street Parking and Loading.**

1. **Number of Spaces.** There shall be a minimum of (a) 0.75 parking spaces per independent living dwelling unit and (b) 0.50 parking spaces per assisted living dwelling unit. These calculations include necessary staff and visitor parking. The Applicant shall provide information detailing the method of computation of parking spaces. Employee parking shall be designated through signage. All parking shall be located on the SHOD site. The Planning Board may impose greater minimum parking after obtaining peer review of the parking needs.
2. **Size of Spaces.** A parking space shall not be less than nine feet in width by 18 feet in length together with an aisle of at least 24 feet. Where parallel parking is utilized, parallel spaces shall not be less than eight feet in width and 22 feet in length.
3. **Parking for persons with disabilities.** Parking for persons with disabilities shall be provided in designated spaces as outlined in the State Building Code and the requirements of the Architectural Access Board, latest edition. Accessible parking spaces serving a particular building, facility or temporary event shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance.
4. **Charging Stations.** There shall be one charging station for electric, hybrid, or similar types of vehicles installed per every fifty parking spaces within the SHOD site. The stations shall be available to residents, visitors and employees of the facility.
5. **Loading.** The Applicant shall demonstrate that an adequate number of off-street loading spaces/areas are provided for the Senior Housing Community to insure that all loading operations take place off a public way.
6. **Stormwater Management.** The stormwater management system shall be designed in accordance with the MassDEP’s Stormwater Management Guidelines and Regulations, as amended, and Town of Norwell Stormwater Management and Erosion Control Bylaw, Chapter 65, as amended. The Applicant shall provide pre- and post-construction drainage calculations, which shall be based upon soil testing which as been witnessed by an appropriate Town Official, either the Health Agent or other agent identified by the Planning Board. The Board may require ground water mounding analyses.
7. **Utilities.** All electric, gas, telephone, water distribution lines, and other utilities shall be placed underground.
8. **Lighting.** All lights and other sources of illumination (whether interior or exterior) and all intense light emanating from operations or equipment shall be dark skies complaint and shielded from direct view at normal eye level from residential districts with no light cast upon adjacent properties. Full cutoff light fixtures shall be used. The Applicant shall provide a lighting plan that shall be peer reviewed and approved by the Planning Board.
9. **Signage.** All signs shall conform to the requirements set forth in Section 201-14.6.B.
10. **Accessibility.** The facility shall comply with all state and federal requirements for handicapped access.
11. **Transportation.** The Applicant shall provide shuttle service or assist in providing for transportation medical appointments, offsite programs, as well as local shopping and errands for residents of the Senior Housing Community.
12. **Maintenance**.All roadways, parking areas, walkways, paths, stormwater drainage, septic and other infrastructure shall remain private and shall be privately maintained with respect to upkeep and snow and ice removal.
13. **Emergencies.** The Project shall have an integrated emergency call system(s) to monitor and direct security alarms (including fire alarms, sprinkler alarms, trouble alarms and other security alarms), telephone and other communication systems in order to provide emergency monitoring for residents and employees and the system(s) shall have monitoring protocols and shall be connected to an emergency call center(s), all as directed and required by the Norwell Fire Department. Additionally, each individual Dwelling Unit shall be equipped with an emergency call system that is linked to a central office within the Project which shall be staffed 24 hours a day and shall have individual unit 911 lines that are directly connected to a dispatch center as required by the Norwell Fire Department.
14. **Nuisances.** The Project shall not produce adverse effects on the use or development of the surrounding neighboring area due to noise, traffic, lighting or other nuisances. Any equipment or use that can generate noise, vibration and/or odor shall be screened, filtered and baffled so as to prevent any such adverse impacts to occupants of the Project or other persons.

**§ 201-28.8. Review Fees.**

The Planning Board may engage, at the expense of the Applicant, professional, technical and/or legal consultants to review an application for a special permit within the SHOD and to evaluate compliance with the special permit criteria at the Applicant’s expense and as provided for under G.L. c 41, §53G.

**§ 201-28.9. Grant of special permit.**

The Planning Board by supermajority affirmative vote of its members (4/5) may grant a special permit for a Senior Housing Community upon finding that the proposed Senior Housing Community complies with the requirements of this article. The Planning Board shall not grant a special permit unless it determines that all criteria set forth herein are satisfied. The Planning Board may waive any or all of the dimensional requirements, when, in the judgment of the Planning Board, such action is in the public interest and not inconsistent with the provisions of this article. The special permit may be granted with such reasonable conditions, regulations or limitations as the Planning Board may deem necessary to serve the purpose of the bylaw.

**§201-28-10. Open Space**

The project shall provide open spaces within the development. Where possible, existing trees and vegetation shall be preserved and integrated into the landscape design plan to ensure visual privacy between structures, abutting properties and neighborhoods.

**§201-28.11. Expiration of special permit.**

Special permits shall lapse in not fewer than three years, as determined by the Planning Board.

**§ 201-28.12. Public hearing.**

Special permits shall only be issued following a public hearing held in accordance with this bylaw provision and Zoning Bylaw § 201-3.3C and G.L. c.40A, §11.

**§ 201-28.13. Modification.**

No structure created within a SHOD shall be externally enlarged by more than 20 square feet and no use changed or expanded in the ground except upon approval of the Planning Board and subject to the provisions of §§ 201-28.4 through 201-28.10.

**§201-28.14. Abandonment/Discontinuance**

If a SHC Use is constructed pursuant to a special permit issued hereunder and the authorized use is abandoned or ceases for one year or more, the Special Permit shall be deemed to have been surrendered and shall be a nullity and the use shall not resume without issuance of a new Special Permit unless the owner or operator returns to the special permit granting authority for a greater period of time before the Special Permit is deemed abandoned or discontinued. Once a special permit has been abandoned or discontinued, the subject property shall be used only for a conforming use or use authorized by all necessary zoning relief that has taken final effect.

Or to take any other action relative thereto.

Petition of the Planning Board

Dates:

January 17,2024 Voted by PB

January 18,2024 Forwarded by PB to Select Board

January 24,2024 Select Board vote to refer to PB for a public hearing

January 26, 2024 Planning Board Public Hearing Notices mailed: PBs, RBA, DHCD (HLC)

January 29, 2024 Planning Board Public Hearing Notice posted

January 31, 2024 Planning Board Public Hearing First Notice published

February 7, 2024 Planning Board Public Hearing Second Notice published

February 15, 2024 Planning Board Public Hearing

Advisory Board Vote

Planning Board recommendation vote

Planning Board Report to ATM:

May 6, 2024 Annual Town Meeting