



M E M O R A N D U M

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To: Steve Moriarty, Chairman Planning Board
From: William R. Shane, Town Manager
Date: November 16, 2017
Re: Changes to the Senior Housing Community Overlay District

The Town Council has forwarded the request to hold a Public Hearing and provide a recommendation for changes to the newly adopted Overlay District.

Those changes will facilitate our ability to offer credit enhancement agreements for future TIF district properties and will allow development of the property to be more consistent with the style we have seen in Village Green. The most significant changes area:

- Additional Accessory Uses
- Setback changes to allow for condominium locations which typically do not have a property line.
- Buffer requirements for buildings, not roads and utilities entering the property.
- Buffering allowed by easement on adjacent properties
- Road Standards more consistent with Village Green
- Design standards specifying New England style architecture.

I have asked the Town Attorney to attend this meeting to present and assist with presentation, primarily with regards to setbacks and condominium laws.

Sec. 315-4 Word Usage and Definitions.

SENIOR HOUSING. Senior Housing means dwelling units that are exempt under the Federal Housing for Older Persons Act, from the prohibition against familial status discrimination, consisting of dwelling units that either: (a) are intended for, and solely occupied by persons 62 years of age or older; or (b) are intended and operated for occupancy by persons 55 years of age or older. In order to qualify for the "55 or older" housing exemption, a facility or community must satisfy each of the following requirements: (a) at least 80 percent of the units must have at least one occupant who is 55 years of age or older; and (b) the facility or community must publish and adhere to policies and procedures that demonstrate the intent to operate as "55 or older" housing; and (c) the facility or community must comply with the United States Housing and Urban Development agency's regulatory requirements for age verification of residents.

SENIOR HOUSING COMMUNITY. A residential housing development designed for Senior Housing, which housing may consist of dwelling units in three alternative structures: detached, duplex or multiplex dwellings, and which may or may not include related amenities and services for its residents. Examples of Senior Housing Communities include, but are not limited to:

1. Congregate Housing;
2. Residential Care Facility;
3. Nursing Home;
4. Continuing Care Retirement Community; and
5. Community Living Arrangement;
6. Single-Family Detached Dwellings
7. Duplex Dwellings
8. Multiplex Dwellings

Sec. 315-5 Zoning Map; division of Town into Districts.

Senior Housing Community Overlay District

SHC

Sec. 315-28.4 Senior Housing Community (SHC) Overlay District.

- A. Purpose.** The purpose of the Senior Housing Community (SHC) Overlay District is to permit the development of Senior Housing Communities in designated areas of the Town that consist of varied living arrangements for senior residents. These regulations are intended to provide flexibility and creativity in the design and development of Senior Housing Communities, while ensuring that Senior Housing Communities are designed and developed to maintain a high degree of quality and integrate well into existing neighborhoods. The designation of the Senior Housing Community Overlay District is intended to recognize that a planned Senior Housing Community has special considerations that do not apply to other uses and to allow for additional flexibility in the permitting of these uses within the Senior Housing Community Overlay District, in return for an increased level of municipal oversight.
- B. District.** The Senior Housing Community Overlay District is hereby designated as an overlay district for the purposes set forth above within the certain portions of the MDR and RR1 Districts, specifically the lots as delineated on the official Town of Cumberland Tax Assessor's Map as:

Map R03, Lot 50	Map R04, Lot 4C
Map R03, Lot 50A	Map R04, Lot 4D
Map R03, Lot 50B	Map R04, Lot 4E
Map R03, Lot 53	Map R04, Lot 5
Map R04, Lot 1	
Map R04, Lot 1A	Map R04B, Lot 1
Map R04, Lot 2	Map R04B, Lot 2
Map R04, Lot 2A	Map R04B, Lot 3
Map R04; Lot 3	Map R04B, Lot 4
Map R04, Lot 3A	Map R04B, Lot 5
Map R04; Lot 4	Map R04B, Lot 5A
Map R04, Lot 4A	Map R04B, Lot 5B
Map R04, Lot 4B	Map R04B, Lot 6

The requirements of the underlying zoning districts shall continue to apply to all properties within the Senior Housing Community Overlay District except as specifically modified by the provisions of this section.

- C. Permitted Uses.** In addition to the uses allowed in the underlying zoning districts as identified above, and notwithstanding anything to the contrary in the regulations for the underlying zoning districts, the following uses shall be permitted uses in the Senior Housing Community Overlay District:

1. Senior Housing Community, subject to review under Section 315.60.1.;~~and~~
~~1.—~~
2. Accessory buildings or uses as are permitted in the underlying zoning district
~~(provided that the use or uses are that are located on the same lot and incidental~~
~~and subordinate to the Senior Housing Community use) as are permitted in the~~
~~underlying zoning district.~~
3. Private clubs that are associated with and available exclusively to the Senior
Housing Community
4. Commercial health and recreation centers that are associated with and available
exclusively to the Senior Housing Community
5. Health and fitness studios that are associated with and available exclusively to the
Senior Housing Community
6. Small scale storage facilities that are associated with and available exclusively to
residents of the Senior Housing Community.
7. Community center that is associated with and available exclusively to residents of
the Senior Housing Community.
- 2.8. Sales office used exclusively for promotion and sale of dwelling units within the
Senior Housing Community.

D. Lot Standards. Notwithstanding anything to the contrary in the regulations for the underlying zoning districts, the following lot standards shall apply to all ~~Senior Housing Communities and Accessory Uses permitted~~ Permitted Uses within the Senior Housing Community Overlay District:

1. Setbacks.
 - a. ~~The following minimum setbacks are designed to allow smaller buildings to be located near the perimeter of the Senior Housing Community while requiring that larger buildings be more centrally located within the site and are required for all structures in the Senior Housing Community Overlay District:~~
 1. ~~Front: 25'~~
 2. ~~Rear: 25'~~
 - a. ~~Side: 10'~~ No structure shall be located within 30' from the paved edge of any road, nor within 30' from the closest point of any other structure or development boundary line:
 - b.
2. Minimum Lot Size.
 - a. ~~5 Acres for a Senior Housing Community~~
3. ~~Lot Frontage. 100'~~
- 4.3. Maximum Density. The ~~maximum~~ minimum allowable land area for each ~~dwelling unit~~ permitted use shall be:

- a. 10,000 square feet per dwelling unit in a single family or duplex
- b. 5,000 square feet per dwelling unit within a multiplex
- c. 2,500 square feet per bed in a Residential Care Facility
- e-d. 10,000 square feet per accessory use and all other permitted uses listed in 315-28.4(C)

~~5.4.~~ Net Residential Acreage. Net residential acreage calculations are not required for Senior Housing Communities within the Senior Housing Community Overlay District.

~~6.5.~~ Open Space. At least 20% of the total area of the tract or parcel of land being developed for a Senior Housing Community must be maintained as open space as defined in §315-4.

~~7.6.~~ Buffering. A plan to buffer and screen the proposed Senior Housing Community development from adjacent residential properties shall be required. A minimum 50 foot buffer shall be required along the entire perimeter of a Senior Housing Community. No buffer shall be required where the Senior Housing Community abuts Map R04, Lot 41 or where adjacent to land owned by the Town provided such adjacent Town-owned land includes a sufficient buffer. No cutting or clearing shall be permitted within the 50 foot buffer area, except as required for purposes of installing or connecting utilities, roads and trails. Additional plantings or other buffering implements may be required within the buffer area to create sufficient buffer. The Planning Board shall approve the selection of the proper type and size of buffering techniques based on existing site conditions, distances to property lines, and the intensity of the land use. Buffering may consist of plantings, earth berms, stone walls, grade changes, fencing, or a combination of some or all of these techniques. Buffering may also be accomplished on an adjacent property by easement or deed restriction.

E. Building Standards.

1. Maximum building height. No building shall exceed forty (40) feet in height or four stories, whichever is less, as measured in accordance with §315-52.
2. Minimum building separation. All buildings and structures shall be separated by a minimum of 20 feet, as measured from the nearest part of each structure to the other.
3. Minimum Dwelling Size. No dwelling unit (other than a dwelling unit within a Congregate Housing, Residential Care Facility, Nursing Home, Continuing Care Retirement Community or Community Living Arrangement) shall have less than 600 square feet of Floor Area.

F. Parking. Parking shall be required per dwelling unit based on the type of housing provided, but in no event shall there be less than one parking space per dwelling unit.

1. Dwelling units that are not part of a Residential Care Facility (i.e., detached, duplex or multiplex dwellings designed for independent living arrangements) shall provide a minimum of 2 spaces per dwelling unit;
2. Dwelling units that are part of a Residential Care Facility shall provide a minimum of 1 space per dwelling unit;
3. For all other permitted uses, refer to §315-57 for minimum parking requirements.

G. **Public Utilities.** All dwelling units within a Senior Housing Community shall be connected to the public water and public sewer systems.

H. **Residential Care Facilities.** The provisions of Section 315-71 (Residential Care Facilities) shall not apply to Senior Housing Communities in the Senior Housing Community Overlay District.

I. Road Standards.

All public roads within the Senior Housing Community Overlay District shall be designed in accordance with the residential sub-collector roadway standards as contained in Article VI and Table 2 of Chapter 250, Subdivision of Land, of the Cumberland Code. The following roadway standards shall apply to all other roads within the Senior Housing Community Overlay District:

<u>Roadway Pavement Width</u>	
<u>Serving less than 10 homes</u>	<u>18'</u>
<u>Serving 10 or more homes</u>	<u>20' without curb</u>
	<u>22' with curb</u>
<u>Grass Esplanade</u>	<u>N/A</u>
<u>Paved Sidewalk</u>	<u>N/A</u>
<u>Min. Roadway Centerline Grade</u> <u>(1.0% preferred)</u>	<u>1.0%</u>
<u>Max. Roadway Centerline Grade</u>	<u>10%</u>
<u>Min. Centerline Radius</u> <u>(100' Preferred)</u>	<u>100'</u>

<u>Min. Tangent Length Between Curves of Reverse Alignment</u>	<u>0'</u>
<u>Min. Angle of Street Intersections</u> <u>(90° Preferred)</u>	<u>75°</u>
<u>Min. Distance Between Street Intersections on Same Side</u>	<u>100'</u>
<u>Min. Distance Between Street Intersections on Opposite Side</u>	<u>100'</u>
<u>Min. Pavement Radii at Intersections</u>	<u>10'</u>
<u>Min. Pavement Crown</u>	<u>¼" per foot</u>
<u>Min. Slope of Gravel Shoulder</u>	<u>½" per foot</u>
<u>Min. K Factor, Crest Vertical Curve</u>	<u>15</u>
<u>Min. K Factor, Sag Vertical Curve</u>	<u>20</u>
<u>MPH Design Speed</u>	<u>25</u>
<u>Max. Grade within 75' of Intersection</u>	<u>3%</u>
<u>Min. Property Line Radius at Intersection</u>	<u>0'</u>
<u>Dead End Turn Around</u>	<u>N/A</u>

Sec. 315-60.1. Senior Housing Community

A. Design Standards.

1. When the development proposal provides for the construction or expansion of a building visible from an existing or proposed road, special consideration shall be paid to the design of the building and site. In general, buildings shall be designed so that they appear to face the existing road where feasible.
2. No service or storage areas shall be located between buildings and an existing road.
3. Curb cuts onto existing roads shall be minimized where practical.
4. Parking lots shall be located internally where practical.
5. Development within the Senior Housing Community is encouraged to be designed with environmentally sustainable elements such as:
 - i. Utilizing renewable energy sources (e.g., solar)
 - ii. Using Energy Efficient Home Construction standards
 - iii. Water Efficiency
 - iv. Waste Reduction
 - v. Toxiens Reduction

6. All structures including storage facilities, shall be designed in the traditional New England architectural style.