

ARTICLE: _____

To see if the Town will vote to amend the Millis Zoning By-law as follows:

- 1. By amending Zoning By-law Section II. Definitions by inserting the following new definitions, alphabetically:**

Assisted Living: A combination of housing, ancillary support services and personalized care that is designed to respond in a homelike setting to the individual needs of adults requiring assistance with Activities of Daily Living and Self-administered Medication Management, but who do not require the skilled medical care provided in a nursing facility.

Assistance with Activities of Daily Living (ADL): As defined by in Section 1 of Chapter 19D of the Massachusetts General Laws, which includes the physical support, aid or assistance with bathing, dressing, grooming, ambulation, eating, toileting or other similar tasks.

Assisted Living Residence or Residence (ALR): As defined in Section 1 of Chapter 19D of the Massachusetts General Laws, which shall include any entity, however organized, whether conducted for profit or not for profit, which meets all of the following criteria:

1. Provides room and board;
2. Provides, directly by employees of the entity or through arrangements with another organization which the entity may or may not control or own, assistance with activities of daily living for three or more adult residents who are not related by consanguinity of affinity to their care provider; and
3. Collects payment or third party reimbursements from or on behalf of residents to pay for the provisions of assistance with activities of daily living or arranges for the same.

Dwelling Unit for Assisted Living Residences: A portion of an Assisted Living Residence designed for and occupied by one or two individuals as the private living quarters of such individuals.

Self-administered Medication Management (SAMM): As defined in Section 1 of Chapter 19D of the Massachusetts General Laws, which includes reminding residents to take medication, opening containers for residents, opening prepackaged medication for residents, reading the medication label to residents and observing residents while they take the medication, checking the self-administered dosage against the label of the container, and reassuring residents that they have obtained and are taking the dosage as prescribed.

- 2. By amending Zoning By-law Section V. Use Regulations. Table 1. Use Regulations. Principal Uses. Community Facilities, by adding the following new use:**

	<u>R-T</u>	<u>R-S</u>	<u>R-V</u>	<u>R-V-C</u>	<u>C-V</u>	<u>C-V-2</u>	<u>V-B</u>	<u>I-P</u>	<u>I-P-2</u>
19. Assisted Living Residence	SPB	SPB	SPB	SPB	N	SPB	N	N	SPB

3. By Amending Zoning By-law Section XIII. Special Permit Conditions, by adding the following new subsection:

U. Assisted Living Residences

1. Purpose:

The purpose of this section is to provide for the availability of Assisted Living and Residences (ALR) and services in the Town of Millis by Special Permit. Assisted Living is a special combination of housing, ancillary support services and personalized care that is designed to respond in a homelike setting to the individual needs of adults requiring Assistance with Activities of Daily Living and/or Self-administered Medication Management, but who do not require the skilled medical care provided in a nursing facility. Assisted Living Residences may be established singularly or as a part of a more comprehensive life care or continuum of care community.

2. General Regulations:

- a. Development of an ALR under this Bylaw may only be authorized by a Special Permit granted by the Planning Board which shall follow the requirements for Special Permits as set forth in MGL Chapter 40A, Section 9 and pursuant to Section XII. Q. Special Permits of this Bylaw.
- b. No Dwelling Unit shall consist of more than two (2) bedrooms.
- c. Dimensional Requirements:

	R-T	R-S	R-V
Minimum lot area	5 acres	5 acres	5 acres
Maximum permitted height (ft)	35	35	35
Maximum permitted height (stories)	2 ½	2½	2½
Minimum lot frontage (ft)	200	125	250
Minimum depth (ft)	300	200	400
Minimum front yard (ft)	40	40	50
Minimum side yard (ft)	40	20	50
Minimum rear yard (ft)	40	40	50

	R-V-C	C-V-2	I-P-2
Minimum lot area	5 acres	5 acres	5 acres
Maximum permitted height (ft)	35	35	35
Maximum permitted height (stories)	2 ½	2½	2½
Minimum lot frontage (ft)	250	150	200
Minimum depth (ft)	400	200	250
Minimum front yard (ft)	50	40	40
Minimum side yard (ft)	50	20	20
Minimum rear yard (ft)	50	30	30

3. Development Standards:

Prior to the issuance of a Special Permit under this ARL Bylaw, the applicant shall submit the information necessary to demonstrate to the Special Permit Granting Authority that the following development standards have been met:

- a) The proposed use shall not produce adverse effects on the use or development of the neighboring area because of noise, traffic, lighting or other nuisances.
- b) The site shall not create or generate excessive noise, air pollution and other harmful physical influences.
- c) All utilities on the site shall be installed underground pursuant to approved methods of installation and construction.
- d) The ALR shall have an integrated emergency call, security, telephone and other communication systems to provide monitoring for its residents and direct line connection to the Millis Fire Department. Additionally, each individual Dwelling Unit shall be equipped with an emergency call system linked to a central office within the ALR development, which shall be staffed 24 hours a day.
- e) All roadways, walkways and paths shall be privately maintained with respect to upkeep and snow and ice removal.
- f) Open space shall be used to protect valuable natural environments such as streams, valleys, outstanding vegetation or scenic spots.
- g) The site, when utilized for the purposes of this Section and combined with any other use or uses allowed in the underlying zone district, shall be of sufficient size, shape, topography and location as determined by the Planning Board to be capable of accommodating such multiple uses.

4. Technical Quality:

In considering a special permit application under this section, the Planning Board shall evaluate the technical quality of the site plan to assure the advisability of approval after considering the following matters:

- a) Protection of adjoining premises by provisions to control surface water drainage, to maintain adequate sound and sight buffers and to preserve views, light and air.
- b) Convenience and safety of vehicular and pedestrian movement within the site, the location of driveway openings in relation to traffic or to adjacent street, and compliance with other regulations for the handicapped and the elderly.
- c) Protection and enhancement of existing site features.

- d) Relationship of structures and open spaces to the natural landscape, existing structures and other community assets in the area.
- e) Protection of environmental features, particularly groundwater resources, on the site and in adjacent areas and adequate protection to prevent pollution of surface and groundwater and adequate measures to prevent soil erosion, increased stormwater volume and rate of runoff, changes in groundwater recharge level(s) or elevation(s) and flooding.

5. Landscape Regulations:

- a) The ALR shall be integrated into the existing terrain and surrounding landscape, shall be designed in harmony with abutting properties and community amenities, and shall be consistent with the neighborhood character.
- b) The side and rear lot lines shall provide a screening of sufficient height, the type of which shall be as approved by the Planning Board. Plant materials, if used, shall be characterized by dense growth which will form an effective year round screen, consisting of natural materials. To the extent practical, existing trees and vegetation shall be retained and used to satisfy the provisions of this section.
- c) All outdoor refuse collection and loading areas shall be screened from adjoining streets and abutting properties, to protect against noise, sound, and odor intrusions upon abutting properties. Such screening shall be of sufficient height, visually impermeable, of either fence or through the use of appropriate landscaping, as per the Planning Board's discretion.
- d) All parking areas shall be adequately screened from abutting properties, to prevent noise, light and odor intrusions upon abutting properties. If landscaping is used, it shall be designed to provide year round protection.
- e) Scenic views from public ways shall be preserved.

6. Parking Requirements:

- a) One (1) off-street parking space shall be provided for every two (2) Dwelling Units.
- b) Employee/staff parking shall be segregated from residential and visitor parking and so designated by signs.
- c) Parking shall not be permitted within the required setback area.

7. Accessory Uses:

The following accessory uses shall be allowed within the property limits of an ALR;

- a) A garage for common use vehicles owned by the operating entity.
- b) A single-story building to house snow removal, lawn maintenance and recreational equipment.
- c) Outdoor swimming pools, tennis and other recreational courts, playing fields, putting green, bocce courts, gardens, trails/pathways, covered and uncovered sitting areas and residential greenhouses, provided they are for the personal use of ALR residents and not for retail or commercial use.
- d) Passive recreational accessory uses, including but not limited to, gardens, trails/pathways and uncovered sitting areas, may be permitted within the required setback areas, by waiver of the Planning Board.

8. Non-Residential Services:

The operator of an ALR may also provide optional services on the development site including but not limited to local transportation, barber/beauty services, laundry services, banking, retail sales, library, chapel, health club, infirmary, workshop and other recreational facilities and amenities, provided that:

- a) Such services are for the sole use of the residents and employees of the ALR only, and not open to the general public.
- b) Such services are conducted and accessible only from within a principal building (with the exception service/delivery entries).
- c) There is no exterior signage or other evidence of such uses visible beyond the development site.
- d) The appearance and character of the Non-Residential uses are compatible with the residential development.
- e) Non-Residential Services shall not exceed twenty (20%) percent of the gross floor area allocated for residential use unless approved by the Planning Board.

9. Stormwater Management:

Each applicant shall have the burden of demonstrating that the project shall comply with both Best Management Guidelines for the management of stormwater and any applicable EPA, DEP, or town stormwater management guidelines and shall provide pre-construction and post-

construction drainage calculations, which shall be based upon soil testing which has been witnessed by an appropriate Town Official, either the Health Agent or other agent identified by the Planning Board.

10. Open Space Considerations:

Each ALR shall give consideration to providing 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.

11. Lapse through Abandonment or Discontinuance:

In the event an ALR is utilized pursuant to a Special Permit issued hereunder and the use authorized is abandoned or ceases for one year, the Special Permit shall be deemed to have lapsed and the use shall not resume without issuance of a new Special Permit, unless the owner of the subject land or operator of the subject land returns to the Special Permit Granting Authority and applies for a modification to the Special Permit to allow a greater lapse period before the Special Permit lapses. Once a special permit lapses, the subject property shall only be used for a conforming use or a use authorized by all necessary zoning relief that has taken final effect.