

Proposed Senior Citizens Housing Bylaw Public Hearing  
Ashfield Planning Board  
Ashfield Town Hall  
April 5, 2017

Present: Michael Fitzgerald (MF), Chair  
Lauren Preston-Wells (LPW)  
Alan Rice (AR)  
Jim Cutler (JC)  
Ken Miller (KM)  
Meghan Bowen (MB)

Absent:

Guests: See attached list

MF called meeting to order at 7:43 PM.

1. MF introduced the proposed Senior Citizens Housing Bylaw by reading it aloud and explaining the intent of each point.
2. MF read aloud an email from Rick Chandler (RC), who was not able to attend the meeting. MF also responded to each of RC's questions by email, and read aloud his answers. The text of that email is included with these minutes.
3. The Board opened the Hearing to questions and comments.
  - a. Victoria Nelson (VN) asked whether accessibility would be required in senior housing units. MF said that the Town has no jurisdiction to enforce accessibility, so it cannot be included in the Bylaw. JC added that the Americans with Disabilities Act (ADA) is strictly enforced with regard to building code.
  - b. VN asked whether pets would be allowed. MF said that would be up to the building owners.
  - c. Doug Droll (DD) asked whether this Bylaw is intended to apply to existing structures. MF said that it is primarily intended to apply to expansions.
  - d. Molly Babize (MBA) asked whether a land owner would be able to circumvent the Bylaw by outfitting an accessory unit that is not considered the primary residence. MF replied that there can only be one primary residence on a lot and that, at present, the type of accessory unit MBA is suggesting is not permissible under the Town's Zoning Bylaws if there is already a primary residence on the same lot.
  - e. As a follow-up to the previous question, Louie Pagano (LP) asked whether an accessory unit would be permissible if it is built on another lot. JC said that as long as the lots are separate, it should be allowed.
  - f. Joanne Ostrowski (JO) asked a series of clarifying questions:

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- i. Will the Bylaw apply to the whole Town? MF replied yes.
  - ii. How many dwellings are in the Town? MF estimated roughly 800.
  - iii. Would mixed-use dwelling be allowed under the Bylaw? MF replied yes.
  - iv. What would the minimum lot size for these dwellings be? MF replied two acres.
  - v. Would two-story dwellings be allowed under the Bylaws? MF replied yes, as long as the total height of the building is less than 35'.
  - vi. Will all units be required to include kitchens and bathrooms? MF replied yes.
  - vii. Will residents of these dwellings be required to register with the Town on a yearly basis? MF replied yes.
- g. Tiertza-Leah Schwartz (TLS) expressed appreciation for the Board's efforts on the proposed Bylaw, and asked whether the Bylaw would preclude subsidized housing. MF replied that the Bylaw does not prevent developers from offering subsidized senior housing, although from an economic standpoint most developers plan subsidized housing on a larger scale than what is intended in the Bylaw.
  - h. TLS asked how the number of units allowed under the proposed Bylaw compares with the need for senior housing in the Town. MF said that the allowance is likely approaching current need, but that the Board does not necessarily expect for the actual number of dwellings built to approach the allowance any time soon.
  - i. TLS asked whether 24 hour care assistants would be allowed under the Bylaw. MF said that such assistants are not covered under the Bylaw, because they are not intended to become nursing homes. TLS urged the Board to consider including some accommodations for caregivers in the Bylaw to allow people to age in their homes as long as possible. Anne Yuryan (AY) voiced her support for including these accommodations as well.
  - j. Helen Boyden (HB) asked whether common spaces would be allowed in senior housing dwellings. MF said that as long as there are kitchens for each unit, common spaces are allowed.
  - k. Doug Field (DF) suggested that in addition to sending lists of tenants to the fire and police departments, the Tenants' Association should be required to send a list to the ambulance company too.
  - l. JO asked why the Bylaw would require that land owners remove kitchens in the event that a building is no longer being used for senior housing. MF said it was to prevent land owners from creating apartments without notifying the Town. MBA pointed out that Conway's proposed Senior Housing Bylaw includes a two year grace period for removing kitchens to allow developers to find new appropriate tenants.
  - m. AY asked why a Tenants' Association is necessary if lists of tenants are kept with the Town Clerk. MF replied that this was the follow through for ensuring that tenants are the correct age.
  - n. MBA said that there are many reasons for a person to want a caregiver, and that the Board should address them somehow in the Bylaw. MF said that this was over and above the scope of what the Bylaw was meant to address; the Bylaw can address some need, but not all, if it is to remain succinct and clear. JC added that the Bylaw specifically uses the word "reside," which may not apply to caregivers who retain a different permanent residence and address even if they frequently stay overnight. LPW

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concurred, as she is aware of agencies which provide assistants who do not give up their primary residences elsewhere.

- o. JO asked whether it is necessary to be an Ashfield resident to be eligible for senior housing. MF said no.
  - p. LP asked whether there would be leeway for couples in which one spouse is under the age of 55. LPW said not currently, but that this would be a good reason not to raise the minimum age to 60 as the Board had briefly discussed.
  - q. TLS asked what the total number of senior housing buildings would be as allowed under the proposed Bylaw. MF estimated around 200 houses across the whole town, and 80 in the center of Town. TLS asked whether that would be enough if most people decide they want to live downtown. MF said that it was unlikely that the number of developments in Town Center would reach the allowance.
  - r. Wayne Wickland (WW) commented that in his opinion this proposed Bylaw is an improvement from the initial proposal.
  - s. HB urged the Board to get the proposed Bylaw on the Annual Town Meeting.
4. MF closed the hearing at 8:55 PM.
  5. Board discussed minor modifications to language, with the addition that the Tenants' Association must send a list of current tenants to ambulance services.
  6. AR moved to approve the Senior Citizens Housing Bylaw as amended, JC seconded. All in favor, 5-0, motion carried. AR will update the Bylaw language per the approved amendments.
  7. Board discussed the agenda for the following meeting.
  8. JC moved to adjourn the meeting, LPW seconded. All in favor, 5-0, motion carried.

Meeting adjourned at 9:13 PM.

Respectfully submitted,  
Meghan Bowen, scribe

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Proposed Senior Citizens Housing Bylaw Public Hearing Attendance List

Louie Pagano  
Mollie Babize  
Anne Yuryan  
Joanne Ostrowski  
Janice Howes  
Beverly Williams  
Doug Droll  
Wayne Wickland  
Nina Laurie  
Cathy Buntin  
Doug Cranson  
Irina Gutlisk  
Helen Boyden  
Victoria Nelson  
Tiertza-Leah Schwartz

*Email from Richard Chandler to Planning Board, read aloud at Public Hearing*

Hi Michael and Jim (copying Jim mainly to have another contact on short notice) – I expected to be at tonight's PB meeting, but a conflict has arisen. I have provided some comments/questions about the proposed bylaw below, for what they are worth. If you feel any are germane to the discussion tonight, please feel free to characterize. Please give me slack for my current ignorance on details of the wording!

I am only looking at the proposed senior bylaw itself and not the broader references to the larger zoning bylaws. As I read specific sections of any town bylaws, especially topic-specific ones added more recently than the core documents, one of my goals would be to have the reader that is specifically interested in the sub-topic be fairly clear what is expected without a lot of searching for cross references. To that end, a couple of my points may be answered elsewhere in zoning documents, but it doesn't hurt to restate in specific sections such as this one for Senior Housing.

Thanks – Rick Chandler

Section 2-b. If this 10% limit is based on current wastewater treatment capacity, which seems true given the larger 25% limit of total dwelling units, should it be written in to the bylaw or should an appropriate limit be left to the potential for expanding the system as demand increases?

Section 2-c. What is the meaning of the term "amenities" – I didn't see a list. Also, might the pedestrian access requirement be better achieved by attendant public infrastructure (such as sidewalks) if the developer's compliance would come up against private property owners and/or state infrastructure along the way?

Section 2 – d. Seems confusing to me. Mixed use might be great, but the conditions here seem to overly limit it and confuse potential benefits. For instance, a community gathering place that perhaps serves some food/drink (like in a condo complex) might be a nice attraction for Senior housing – but I don't think it would meet the test of being approved "without the presence of Senior Housing:?"

Section 3-a. Dimensions refer to a single lot, without specifying what that term means (though lots are addressed elsewhere in the larger bylaws). It might be nice to have a glossary of specific terms used in this section or at least some sort of reference citation of where the term is fully explained. Also – what if the "lot" being proposed for senior housing is 10 acres. Is the 6 housing unit or 10 bedroom limit still applicable as it might be on a 3 acre "lot"?

Section 3-h. I don't understand the thinking behind the 30 foot maximum setback. Might some sites benefit from the section 3-e. 30% open requirement coming at the front of the development? Why not leave out the 30 foot max?

Sections 2-a. and 4-b. While I get the age requirement (and might even suggest 60), what happens if a proper age resident winds up needing to take in a disabled relative that is, say, 35. Is this a violation subject to some action? Do the residents have to move out in this circumstance, or does the PB need to make an individual exception?

Just some thoughts from the outside - have a good meeting!

Rick

*Email reply by Board Chair Michael Fitzgerald to inquiries by Richard Chandler*

Rick,

Thanks for your feedback.

To answer your concerns;

The 10% is recommended by the sewer commission, the 25% by town council to avoid discrimination. If we ever expand the sewer and reach 10% senior housing we can apply to town meeting to change the law. For now this keeps it simple.

Amenities is what it means. We debated having a list but different applications are likely to have different amenities depending on where they are located. A list would create the expectation of requiring amenities on the list while excluding amenities that are not on the list. We are avoiding making this bylaw about public sidewalks, as that is not our jurisdiction. That said a public sidewalk would be an amenity to people who like to or need to walk.

The mixed use section is intended to be limiting and not distract from the main purpose of allowing senior housing. I am not sure why you think a senior center type development would have trouble qualifying for a special a permit in most neighborhoods.

Lots are very clearly defined both in state law and in our bylaw. This proposal is not regulating maximum lot size. The size of a lot depends on decisions made by property owners and surveyors. What we are proposing is to limit is: the maximum density per lot, the number of units sharing a single driveway, and the size of the buildings.

The 30' Max is intended to prevent parking lots in front of the buildings, I am not sure it is the most important part of the proposal and is it could be cut without changing the overall intent.

Anyone moving into a place like this understands that they would not be able to take in young relatives who are having problems. I have heard that in some families this is a selling point.

Thanks For your interest!!  
Michael