

ARTICLE 35 Annotated

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§ 240-6.7 Senior Care Retirement District and Workforce Housing District

§ 240-6.7A Purpose

The purpose of this district is to allow for alternative housing for senior citizens in a setting that provides them with personal and health-related services and programs and allows for their maximum independence in compliance with Fair Housing Laws. The additional purpose of this district is to encourage the creation of Workforce Housing as a separate and distinct housing community option within the district, which is not restricted as to age, to offer an intergenerational residential environment and to provide housing opportunities, including opportunities to those whose incomes are too high to qualify for affordable housing and are not sufficient for market rate housing.

For the purposes of Section 240-6.7 et. al., Fair Housing Laws shall include Federal Fair Housing Act, 42 USC Section 3607(b), as amended, the regulations promulgated thereunder at 24 CFR Section 100.300 et seq., Subpart E—Housing For Older Persons, as amended, and MGL c. 151B, Section 4.

240 – 6.7B DEFINITIONS

Workforce Housing - Housing that is affordable to a household of one or more persons whose maximum income does not exceed 140 percent of the area median income, adjusted for household size, as published by the US Department of Housing and Urban Development. Workforce Housing is designed to incorporate a range of affordability, and may include units which may qualify for the Town's Subsidized Housing Inventory (SHI). Workforce Housing Units are not restricted as to age, and such units shall be separately operated from any housing facility or community that contains Senior Care Retirement Community (SCRC) units.

§ 240-6.7BC Use Table

N = Not allowed

Y = Allowed by-right

SP-Z = Zoning Board of Appeals Special Permit

SP-P = Planning Board Special Permit

Uses	Standards	Senior Care Retirement Subdistrict (SCRSD)	Workforce Housing Subdistrict (WHSD)
Permitted Uses			
Bank		Y	N
One family detached dwelling		Y	N
Medical clinic, medical and allied health office		Y	N
Professional office		Y	N
Public or nonprofit housing for seniors, subject to the requirements of § 240 – 11.6D		Y	N
Restaurant, Class I or II		Y	N
Religious institution	including a residence for the institution	Y	Y
Child day care center		Y	Y
Special Permit Uses			
Senior Care Retirement Community (SCRC)	(See § 240 – 6.7CD below)	SP-P	N

Workforce Housing Community (WHC)	(See § 240 – 6.7D below)	N	SP-P
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§ 240-6.7CD SCRC and WHC special permit standards

- (1) SCRC description - An SCRC contains one or more residential buildings with living units described below, that provides residences **exclusively for persons 62 years of age or older (except their spouses and surviving spouses, and also except for staff housing and skilled nursing units)** that must be occupied by at least one person 55 years of age or older (consistent with Fair Housing Laws), and which includes common areas and community dining facilities. The SCRC provides personal services such as social, psychological, educational, and health-related programs and services, designed to allow residents to safely "age in place" with maximum independence and with skilled caregivers available continuously on-site.
- (2) SCRC units - An SCRC may include independent living units (ILUs) for persons who may not require regular assistance with daily living, as well as assisted living units (ALUs) for persons in need of daily assistance from skilled caregivers, and may include skilled nursing rooms (SNRs), as defined by the Massachusetts Department of Public Health. For the purposes of this bylaw, ILUs, ALUs and SNRs shall be known as "SCRC" units.
- (3) Staff housing - An SCRC may also include staff housing units (Staff Housing units), provided that the number of **staff Staff Housing** units shall not exceed 10% of the SCRC units. **The total number of units in the development, including both SCRC units and staff housing as determined by the Planning Board, shall not exceed six units per acre.** No unit in a SCRC may contain more than two bedrooms. Assisted living units shall be no less than 350 square feet but no greater than 800 square feet in size. Each skilled nursing room may contain no more than two beds.
- (4) WHC UNITS – A WHC shall include Workforce Housing units as defined above. Workforce Housing units shall: (a) not be restricted as to age; (b) consist of multifamily dwellings; (c) be a separate community from non-Workforce Housing units; and, (d) not include Staff Housing units, or supportive services except for a resident service/leasing coordinator office available to meet any needs of residents. Any Workforce Housing units must be constructed in the Workforce Housing Subdistrict (WHSD) and be built in conjunction with the creation of a Senior Care Retirement Community (SCRC).
- (5) DENSITY – For purposes of compliance with density requirements under this district, SCRC units, Staff Housing units, and/or WHC units shall be collectively included within the overall permitted density per acre for the entire district property regardless of the subdistrict, which shall not exceed six units per acre unless density bonus requirements are approved up to 8 units per acre as provided under Subsection (14) below. Although a SCRC and WHC are separate and distinct communities, they may be included on the same or separate lots, and access or utilities are permitted to serve all uses throughout the district.
- (6) DIMENSIONAL COMPLIANCE – For purposes of compliance with dimensional requirements under this district, a SCRC and WHC may be located on one or more parcels, and if not located on the same lot, shall be required to separately comply with applicable dimensional requirements. A SCRC and WHC shall comply with dimensional requirements of the Zoning Bylaw unless otherwise waived by the Planning Board under unique circumstances and on a limited basis as a part of the special permit. Moreover, the dimensional requirements identified under Article 11 for SCRC shall also apply to a SCRC and WHC, and to the extent the dimensional requirements of this § 240-6.7. directly conflict with the requirements of Article 11, the provisions of § 240-6.7. shall control.
- (47) Lot area, frontage & open space - An SCRC shall have a minimum total area of 15 acres and a WHC shall have a minimum of 5 acres. Lot frontage shall be a minimum of 100 feet. In calculating the minimum total area the provisions of § 240-9.7E(2)a shall apply. At least 65% of the total area must be set aside as open space consistent with § 240-9.7H. Up to 1/3 or five acres of the required open space, whichever is greater, may be located off-site at the discretion of the Planning Board.
- (58) Setbacks - Front yard building setbacks shall be a minimum of 50 feet. Side and rear yard building setbacks shall be a minimum of 25 feet. The Planning Board may require greater setbacks, up to 100 feet for front yard and up to 50 feet for rear and side yard setbacks where needed to provide screening

and buffer from the street or adjacent properties. Redevelopment of existing buildings may maintain existing setbacks at the discretion of the Planning Board. Redevelopment does not include the voluntary demolition of an existing building and subsequent rebuilding.

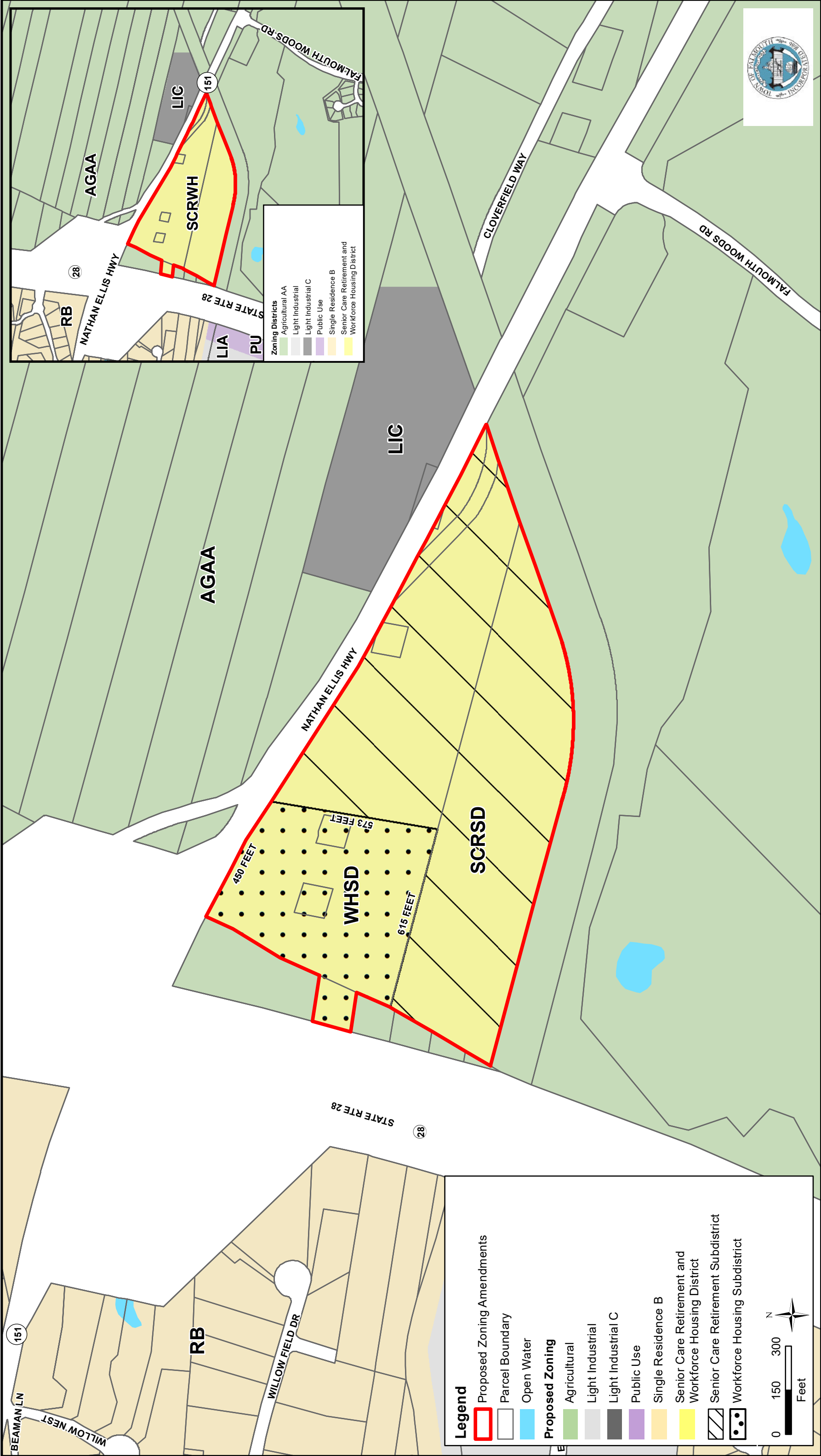
- (69) Height - The maximum building height of any SCRC and WHC building shall not be more than three stories and not more than 35 feet as defined for community service uses. The Planning Board in its discretion may increase this height to 45 feet, upon good cause shown by the applicant, provided that for every one-foot increase in height all minimum setbacks shall be increased by two feet.
- (710) Accessory facilities - The development may incorporate, within a residential building, accessory facilities intended solely for the use or benefit of the residents and staff of the development, such as banking and recreational facilities,. The development may also incorporate accessory uses and structures not attached to residential or other structures which may be shared among lots within the district for the purposes of wastewater treatment, community maintenance, a child day care center, and a clubhouse facility as limited and approved by the Planning Board.
- (811) Impacts - The Planning Board, in order to approve the special permit for an SCRC or WHC, shall find that the overall impacts of the SCRC in terms of traffic, wastewater, nutrient loading, and fiscal impact to the Town will be no greater than the impacts associated with other uses allowed as of right or by special permit within Single Residence or Agricultural Zoning Districts on the lot(s). have been adequately mitigated, and that the proposed uses are in harmony with the general purposes and intent of the district as described under § 240-6.7A. Speculative uses, such as applications made under MGL c. 40B, shall not be considered in making the comparison of cumulative impacts. The Planning Board may require the applicant to provide specialized studies or information as necessary in order to make such a finding.
- (912) Wastewater - The Planning Board shall not approve a SCRC or WHC unless tertiary treatment of wastewater is provided. To enhance treatment capabilities, a wastewater treatment facility and related sewer line improvements may be shared by a SCRC and WHC if approved with a groundwater discharge permit issued by the Massachusetts Department of Environmental Protection (DEP). Tertiary treatment shall include enhanced nitrogen removal when a SCRC is located in a Coastal Pond Overlay District.
- (103) Planning Board review - The Planning Board may require the applicant to reduce the size, including the height, of any residential structure or to adjust its placement on the lot to reduce impacts on neighborhood visual character, including views or vistas. The Planning Board, in order to approve the special permit for an SCRC or WHC, shall make a positive finding under § 240-9.7A(1)g., Planned Residential Development, and four or more of the purposes of § 240-9.7A. The Planning Board may require or allow that the development be constructed in phases if necessary to minimize neighborhood impacts or to meet financing or regulatory requirements.
- (114) Parking - Parking shall be located in side or rear yards behind the front facade line of the building, except that parking may be allowed in front of the building line at the discretion of the Planning Board if appropriately screened or landscaped as determined by the Planning Board. The number of parking spaces for SCRC units shall be determined according to the following: one space per independent living unit; one-half space per assisted living unit; one space per employee. The number of parking spaces for WHC units shall be determined according to the following: one and one-half spaces for dwelling units having fewer than 2 bedrooms; and, two spaces per dwelling unit having 2 or more bedrooms. The number of parking spaces required for other allowed uses within the district shall be as provided under § 240-14.1E. The Planning Board may apply parking reductions for uses allowed under this district to an SCRC as provided for in § 240-14.1F as part of the special permit.
- (125) Density bonus - Section 240-6.7CD(2) & (3) & (4) & (5) notwithstanding, a density bonus may be allowed at the sole discretion of the Planning Board as part of the special permit process for an SCRC and/or WHC. The Board may allow up to eight units per acre, if the applicant provides at least 15% of the SCRC units (not including staff units) as affordable, subject to the requirements below, and one or

more of the following: a) tertiary treatment of wastewater that achieves an annual average nitrogen reduction to a level of nine mg/l or less, or; b) the application results in no net increase in nitrogen loading or; c) the SCRC is tied into the municipal sewer system.

As a condition of any density bonus the applicant shall be required to execute an affordable housing restriction and regulatory agreement for recordation at the Registry of Deeds, consistent with the requirements of the Massachusetts [Department of Housing and Community Development Executive Office of Housing and Livable Communities](#), for qualification of the affordable units towards the Town's subsidized housing inventory (SHI). [Notwithstanding anything to the contrary in Article 3, the WHC Units are not required to qualify as affordable units for purposes of the SHI, but the Board may allow for a density bonus to eight units per acre if at least 25% of the WHC units in the Workforce Housing Subdistrict qualify as affordable units for purposes of the SHI, subject to the execution of a workforce housing restriction and regulatory agreement approved as to form by Town Counsel, for recordation at the Registry of Deeds.](#)

Amend the Zoning Bylaw by replacing the words “Senior Care Retirement” or “SCR” with the words or phrases “Senior Care Retirement and Workforce Housing” or “SCRWH” respectively wherever they appear in other provisions of the Zoning Bylaw, and amend the Official Zoning Map Legend to rename said district as “Senior Care Retirement and Workforce Housing.”

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Legend

- Proposed Zoning Amendments
- Parcel Boundary
- Open Water

Proposed Zoning

- Agricultural
- Light Industrial
- Light Industrial C
- Public Use
- Single Residence B
- Senior Care Retirement and Workforce Housing District
- Senior Care Retirement Subdistrict
- Workforce Housing Subdistrict

0 150 300 Feet

N

Zoning Districts

- Agricultural AA
- Light Industrial
- Light Industrial C
- Public Use
- Single Residence B
- Senior Care Retirement and Workforce Housing District



SENIOR CARE RETIREMENT AND WORKFORCE HOUSING DISTRICT - TOWN OF FALMOUTH ZONING MAP AMENDMENT