

Section 1 – Intent and Applicability

The intent of this section is to allow flexibility in development of parcels for housing and related services for retired and aging persons, with particular interests in meeting the needs of residents of Sutton. Continued Care Retirement Communities (CCRC), as defined herein, may be allowed upon grant of a Special Permit from the Planning Board.

Section 2 – Definition

As used in this bylaw, Continued Care Retirement Community (CCRC) shall mean a development on a parcel of five (5) acres or more which may be comprised of any type or combination of dwelling units as defined herein. Said development may include independent housing, congregate housing, assisted living and restorative care/skilled nursing facilities. A CCRC shall operate under common management serving the principal purpose of assisting the elderly in maintaining an independent lifestyle. Said development shall be limited to persons at least one of whom in each household shall have attained an age of fifty-five (55) years. No persons under the age of eighteen (18) shall be allowed to permanently reside in said dwellings. The program of in house resident services offered by a CCRC shall be primarily for the benefit of residents and their guests and shall include a majority of the following:

- Restorative care/skilled nursing
- Transportation services
- Financial assistance
- Barber/beautician
- Medical evaluation/health care maintenance
- Home health
- Assisted care
- Adult day care and respite care services
- Food services
- Cleaning services
- Exercise, recreational, educational and social services
- Other services, activities and accessory uses incidental to the operation of a continued care development as individually approved at the discretion of the Planning Board.

In house services may only be provided to residents and their guests and may not display exterior advertising. The program of in house services offered by the CCRC shall be specified in the special permit application and the scale of each service shall be in proportion to the number of dwelling units in the CCRC and subject to approval by the Planning Board.

Section 3 – Types of dwellings and facilities permitted

The Planning Board may grant a Special Permit to allow a CCRC in any zoning district. A Special Permit granted by the Planning Board may allow the construction of detached or attached dwellings of any combination, and may also allow the construction of a restorative care center/skilled nursing facility/clinic, congregate housing, assisted living facility and accommodation for in house resident services. All facilities shall fully comply with standards of the Architectural Access Board. Enclosed or non-enclosed walkways connecting buildings shall be permitted.

Independent Living Retirement Housing - As used in this bylaw, independent Living Retirement Housing means private residential dwelling units, individually equipped with a minimum of a kitchen, bedroom, bathroom and living area. Geared toward independently functioning adults, this housing typically may offer on-site supportive services and is designed to be barrier free and may include emergency call features complemented by housing management and maintenance services.

Congregate Housing – As used in this bylaw, Congregate housing means private dwelling units /apartments which may have kitchen facilities within a complex containing central dining and other common areas and is designed for an adult population requiring some supportive services including but not limited to meals, housekeeping, home health, and other supportive services. Congregate Housing under this section of the bylaw must obtain all required permits and/or licenses that are required to operate such facility by any department of the United States of America, the Commonwealth of Massachusetts and the Town of Sutton.

Assisted Living Facility – As used in this bylaw, as Assisted Living Facility means a twenty-four (24) hour staff along with private dwelling units which may contain independent efficiency kitchens, but which contain common kitchen, dining and other activity areas. Assisted Living facilities are geared to an adult population which may have difficulty functioning independently and may require oversight including, but not limited to the provision of a full meal plan, transportation services, personal care and assistance with medications. Special care programs specifically designed for adults with memory loss are included in this category. Assisted Living facilities under this section of the bylaw must obtain all required permits and/or licenses required to operate such facility by any department of the United States of America, the Commonwealth of Massachusetts including Certification by the Executive Office of Elder Affairs pursuant to M.G.L., Chapter 19D and the Town of Sutton.

Restorative Care/Skilled Nursing Facility - Includes any institution which provides services primarily to three or more individuals admitted thereto with long-term nursing, convalescent or rehabilitative care; supervision and care incident to old age; or retirement home care for elderly persons and includes services provided by nursing homes, convalescent homes, long term care facilities, rest homes, infirmaries for older adults, charitable homes for the aged. Restorative

care/Skilled nursing facilities under this section of the bylaw must obtain all applicable permits and licenses required by any agency of the United States of America, the Commonwealth of Massachusetts and the Town of Sutton.

Dwelling Units – One or more living or sleeping rooms arranged for the use one or more individuals living as a single housekeeping unit with individuals or congregate cooking, living, sanitary and sleeping facilities, excluding mobile homes and trailers. The intent of this definition is to define a “home” with private sleeping rooms rather than a dormitory arrangement of sleeping quarters.

Section 4 – Specific Requirements

A CCRC as provided herein shall also be subject to the following specific requirements.

Frontage & Acreage

The minimum contiguous road frontage for any project developed under this bylaw shall be 100'. Said frontage shall be on a public way.

The minimum acreage of a project developed under this bylaw shall be 5 acres.

Density, Affordability & Preference

The maximum number of dwelling units permitted shall be determined as follows:

- Single family detached – ½ acre per dwelling unit
- Duplex to 4 units - 20,000 s.f. + 12,000 per dwelling unit
- Congregate housing, assisted living, restorative care/skilled nursing. - 10 dwelling/care units per acre

Ten percent (10%) of the dwelling units in the Continued Care Retirement Community shall be available to and permanently affordable for households earning less than or equal to 80% of the median income for Worcester County. An increase in the number of units of up to twenty percent (20%) of the maximum dwelling units allowed may be permitted on a one to one basis for units above and beyond the required ten percent (10%). The Planning Board shall require that the developer provide legally enforceable assurances, which are acceptable to the Planning Board that the affordable dwelling units will continue to be affordable in perpetuity. Affordable units shall be dispersed throughout the development and shall be indistinguishable from market rate units.

Except for restorative care/skilled nursing facilities, individual dwelling units shall be a minimum of 1,000 s.f. Care units in restorative care/skilled nursing facilities shall be a minimum of 700 s.f. Dwelling units shall have a maximum of 2 bedrooms.

The developer shall provide a plan and evidence their efforts to attract existing Sutton residents to the project.

Setback & Height

All dwelling units and group facilities shall be setback from property lines a minimum of 70 feet. This setback is intended to remain in a vegetated state. Where alterations to this area are determined necessary by the Planning Board, the Board may require fencing, plantings or other means to make this setback a visual buffer to abutting properties.

Minimum separation between structures is 35'.

The maximum height of any structure within a CCRC shall be 3 stories and 35 feet in height.

Coverage & Open Space

Lot coverage for building footprints shall not exceed 25% and for all impervious surfaces shall not exceed 50% of the total parcel.

The remainder of the parcel shall remain as open space. No more than 50% of the open space area shall be wetlands or contain infrastructure facilities such as detention basins. Said open space may contain active and passive recreational and social facilities and uses as approved by the Planning Board.

The Open Space shall be protected by a recorded restriction enforceable by the Town of Sutton.

Parking & Loading

Off street parking spaces shall be provided as follows:

- Single family detached dwellings - one and one half (1.5) per dwelling unit
- Congregate housing – one per dwelling unit
- Assisted living and restorative care/skilled nursing - .5 per dwelling unit
- Loading – One per 40,000 s.f., at least one loading space per project

Infrastructure

All roads, driveways, utilities and drainage facilities shall be designed and constructed in accordance with the Town of Sutton Subdivision Rules and Regulations.

Section 5 – Other Objectives

The Following objectives are important in the development of CCRC and are to be considered by the Planning Board in determining whether to grant a Special Permit for a CCRC.

- a. It is desirable to minimize maintenance costs and environmental impacts through reduction, to the extent reasonable, in the amount of impervious areas, utilities and drainage systems per dwelling unit served.

- b. It is desirable to increase the size of contiguous areas assured of preservation in a natural state and the number of off-street pathways and trails, recreational areas and wilderness areas open to all residents of the CCRC.
- c. It is desirable that all existing scenic vistas be respected and preserved and that new scenic vistas be created.
- d. It is desirable to increase vehicular safety by having fewer, better located and designed egresses onto existing streets.
- e. It is desirable to preserve environmental quality by reduction of 1) the total area over which vegetation is disturbed by cut, fill or displacement; 2) work on slopes over 15%; 3) work in the buffer area and river way protection areas as defined by M.G.L., Chapter 131
- f. It is desirable that the design of dwellings and facilities be sensitive to the traditional architectural styles in the area of the development and that building mass and siting is carefully considered to reduce the impact of the development on the natural landscape.

Section 6 – Application and Submission Requirements

The general procedure to obtain a Special Permit from the Planning Board for a continued care development shall conform to M.G.L. Chapter 40A §9.

- A. Application – 2 originals Special Permit Application
- B. Plans – 12 sets to include existing and proposed site plan, road profiles, open space and landscaping plan, elevations (detailing color and materials), floor plans, detail sheets related to previous plans. Said plans shall meet the specific requirements as detailed in the Town of Sutton Site Plan Review Bylaw and Subdivision Rules and Regulations.
- C. Fees –

Filing fee - \$1,000 + \$50 per dwelling unit with a minimum of \$1,500 and maximum of \$15,000, will be required at the time of submission. The applicant must also submit a check covering the cost of the legal ad and the certified mailings at the time of submission.

Five hundred dollars (\$500) will be deducted from the filing fee to cover costs for staff review of the plans, all billings received from the Town's consultants will be deducted from the filing fee. If the billings exceed the amount of the filing fee, the Town will bill the applicant for the difference. All bills must be paid prior to action on the project. If monies are left after all fees and billings are paid, any excess funds will be returned to the applicant.

The applicant will be responsible for all reasonable fees or costs incurred in reviewing such plans. The Planning Board is authorized to retain a registered professional engineer, architect, landscape architect, attorney or other professional consultant to review and advise the Board on any or all aspects of the plan and/or related documents.

Senior Services Fee – As it is likely that many of the residents of the CCRC will utilize services supported by the Sutton Senior Center, a one time fee of \$100 per unit shall be required to be paid to the Sutton Senior Center prior to issuance of a building permit. Said fee shall be used to on and off site support services available to seniors through the Sutton Senior Center.

- D. Support Material – The applicant shall provide a traffic study and impact statement as detailed in the Town of Sutton Site Plan Review Bylaw.

Section 7 – Waivers

The Board may waive strict compliance with any provision of this bylaw if it deems it in the public interest and determines that the intent of the bylaw has been maintained. Written record must be kept of such waivers including the reasons for them.

Section 8 – Conditions

The Planning Board may impose reasonable conditions to safeguard the surrounding area, or otherwise serve the purpose of the bylaw.

Section 9 – Appeals

Any appeal to the Planning Board's decision under this section of the bylaw may be made in accordance with M.G.L., Chapter 40A §17.