

Senior Residential Development Initiative

Description of Project for Annual Town Meeting (ATM)

Spring 2021

<p>ATM Request – The Planning Board has developed a set of zoning amendments for spring 2021 based on a three-phase plan to facilitate the development of appropriate senior housing in Harvard.</p>	
<p>Challenges – Several surveys conducted over the past 20 years and strong anecdotal evidence indicates that seniors in Harvard want to stay in town and downsize into smaller housing that meets their changing lifestyles, but there are very few opportunities for that in the community. Seniors have expressed a need and strong desire for more housing options.</p>	
<p>Status Quo – The current zoning only allows for assisted living in the commercial district and also allows accessory apartments. However, Harvard does not have any assisted living facilities and few accessory apartments have been produced specifically for seniors. Seniors are leaving Harvard, their home, due to a lack of housing options.</p>	
<p>The Harvard Solution – The Planning Board proposes a three-phase set of proposed bylaw amendments based on the 2016 Master Plan, 2017 Housing Production Plan, the 2005 Town Center Action Plan, and feedback from seniors and the public. These amendments will propose specific senior housing types, designs, and locations over the next three town meetings and will include the following:</p>	
<ul style="list-style-type: none"> • Phase 1 – Annual Town Meeting, May 2021 – For this spring, the Planning Board will be proposing to create a new senior residential development bylaw section that serves as a governing document for senior housing. Several amendments to the accessory apartments will make it easier to develop units specifically for seniors. At this stage we will also lay out the three-phase strategy. 	
<ul style="list-style-type: none"> • Phase 2 – Special Town Meeting, October 2021 – In Phase 2, the Planning Board will be looking for ways to allow senior housing in small village-like clusters surrounded by open space. We will also consider options for continuing care solutions, conversions, and other amendments. 	
<ul style="list-style-type: none"> • Phase 3 – Annual Town Meeting, May 2022 – The Phase 3 recommendations will include looking for ways to provide senior housing in the center, options for active living adult communities, find a way to address the needs of seniors who need affordable units, and explore updating the Hildreth Housing District zoning. 	
<p>The Expected Results – These three phases collectively will provide Harvard with a variety of senior housing types that will serve both active seniors and those that need other options. This housing will be more modest in scale and be designed to fit in with the character and size of Harvard. This three-phase plan is a way to sensitively keep our seniors from having to leave their beloved community.</p>	
<p>Other Benefits – The hope is that we will also expand on the current character and sense of community by a form of “placemaking” or creating the kind of neighborhoods that seniors and others feel safe, welcome, and independent while being able to walk, bike, and socialize without having to jump in the car. The Planning Board is committed to making sure that anything new proposed for Harvard is compatible with existing community character.</p>	<p>Placemaking Process</p> 
<p>See the Frequently Asked Questions on the rear of this sheet and visit our webpage for more information: https://www.harvard.ma.us/planning-board/pages/path-thoughtful-senior-housing-development</p>	

Senior Housing Bylaw

Frequently Asked Questions (FAQ)

Q: Why is this needed? We do not need any new housing or housing for seniors.

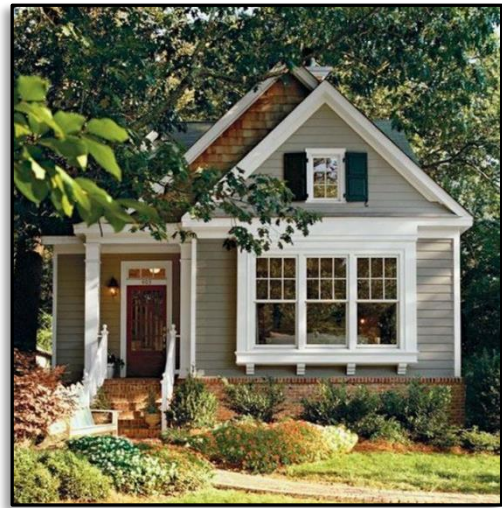
A: We have been working closely with the Council on Aging and driven by a Planning Board member who has been working on this issue for over a decade. While several COA surveys have identified the need and the demand, the new surveys conducted by the Planning Board have confirmed that there are a number of Harvard Seniors who want to stay in town but cannot find any appropriate housing. Surveys have also indicated that a range of different housing types such as accessory dwelling units, cottages, and townhouses, and others would be a welcome addition to town. Finally, both the 2016 Master Plan and 2017 Housing Production Plan recommended finding a way to provide senior housing in Harvard.

Q: The Town tried the Poor Farm site and Hildreth House. There must be no demand for this type of housing, right?

A: The Poor Farm project was never popular, particularly because of the location and design of the project. People did not want a high concentration of houses on a rural and scenic road. The type and design of the structures was highly unpopular with residents. The Housing @ Hildreth House project looked at a specific piece of land behind the Hildreth House. This land was severely challenged by ledge and several developers expressed doubt that it could be a viable project at the density the Town had prescribed. On the other hand, 73% of senior survey respondents said that they were interested in some type of senior housing in Harvard. A possible takeaway might be that a better model to bring about senior housing is to create a strong set of bylaws and let the market work within that framework.

Q: How can we make sure that the design of new development fits the character of Harvard?

A: While not part of the first phase of this project, the Planning Board is looking into ways to extend the current design guidelines for Ayer Road to any type of larger scale development like senior housing. We are considering developing more detailed design criteria related to architecture and the location of buildings, landscaping, buffering and screening, and other elements. We are working on these provisions now and should begin to discuss potential options over the summer of 2021.



Q: Will senior housing create more of a tax burden for the community? Don't seniors require more services than the rest of us?

A: No. In fact, it is a clear tax benefit. Seniors typically do not have children in the household so there are no school costs. The construction and permitting of the units would contribute significantly to the local economy. They do not require more police, fire, or social services than the typical Harvard household. Further, they do not have a negative impact on property values.

Q: Will this change the character of Harvard? Why allow new development in Harvard, even for senior housing?

A: The Planning Board, through all three phases of this project (and any other project) is constantly vigilant to make sure that development proposed is 1) appropriate to the character of Harvard, 2) will not negatively fiscally impact Harvard, and 3) will not overwhelm local services or quality of life. The proposed senior residential development will fit in to the fabric of the community and, by design, look like it has always been there.

Q: How will you guarantee that the new housing under this bylaw will be limited to Seniors?

A: The proposed senior residential development bylaw has two levels of age restriction, based on the U.S. Fair Housing Act. Projects for age 62 and over can be completely restricted to Seniors while 55 and over projects must

have at least 80 percent of the units restricted to seniors. While there is no guarantee that Over 55 projects will not have some families and children, the Planning Board does not see this as a negative but rather a means to allow for some diversity in Harvard's housing stock. If only over-62 projects are built, this will not be an issue. In the end, even if one senior project is not over-62 age restricted, the Board does not see the 20 percent of units available to families to be a significant generator of school-age children.

Q: What is to prevent a flood of senior housing in Harvard and changing its character?

A: The proposed senior residential development bylaw provides for a cap on the total number of senior housing that can be built under the bylaw, which is no more than fifteen (15%) percent of the total Harvard residential inventory at the time an application is made. As of July 1, 2020, according to the Assessor, a total of 1,938 residential units exist in Harvard. Fifteen percent of this would cap senior units at this time to 291. The definition of a senior unit for the purpose of this cap corresponds to any senior residential unit within a development approved under this bylaw. It does not apply to accessory dwelling units nor developments that do not meet the criteria in the bylaw.

Q: So, a developer can build a 291-unit project a day after the bylaw is passed?

A: No. In addition to the 15% total cap on senior units, there is a limit on the number of units that can be approved in any given year and a further limit on the number of units that can be provided with a building permit. So that the administrative capacity to process senior developments is not exceeded, there is a limit of 100 senior residential units that can be approved by the Planning Board in any given year. Additionally, only 30 senior residential units can be given building permits in a year. The Board feels that these three limits will prevent the Town from feeling overwhelmed by senior housing development while still allowing a reasonable number to be built and occupied.

Q: We already have senior housing in Harvard so that probably counts against the cap, right?

A: No. There are three developments that have senior housing in Harvard now. Trail Ridge has 24 senior units, Bowers Brook has 42, and Foxglove has 24. None of these units will count against the cap because they were not built under the proposed bylaw and we have no assurance that they used all or any of the age-friendly design criteria we have proposed.

Q: How will you guarantee that accessory dwelling units that are designed for seniors will be occupied by seniors?

A: There will be no guarantee. We will not impose a registry or any other type of tracking system. First of all, that would be beyond the administrative capacity of the Town. Second, such a limitation would be punitive to the homeowner who might not be able to keep the unit occupied at all times with a senior. The Planning Board feels that just by encouraging the development of accessory dwelling units (ADUs) that are senior- or age-friendly, that include all of the age-appropriate features listed in the proposed Section 125-57 of the Protective Bylaw, that this inventory will be an asset that will be available for seniors as demand determines. Demand may fluctuate, seniors may transition from an ADU to another type of housing, and the ADU may be occupied by another tenant without restriction. However, the unit still possesses the age-appropriate design elements making it attractive and viable for a senior to occupy at some future time.

Q: How can you prevent MGL 40B projects and other types of affordable housing?

A: An MGL 40B (Comprehensive Permit Law) project isn't likely to involve senior housing because the Local Initiative Program under 40B does not allow restrictions for age since families with children must be allowed to occupy affordable units.

Regarding the 40B program, each community must reach and maintain 10% eligible affordable units or they remain "vulnerable" to "unfriendly" 40B projects (those that can be imposed on the community by the state). As of June 11, 2020, Harvard's percentage was 5.95%. You can learn more about affordable housing [at this link](#). No senior housing initiatives are targeting large-scale apartment type developments

Q: How can you be sure that what you are proposing doesn't have some loophole for a developer to take advantage of?

A: No doubt there are developers out there who make a living finding loopholes in local zoning. Equally diligent are the Planning Boards and their staff trying to make sure that those loopholes are not present. The current set of bylaw amendments do not contain much possibility for loopholes and are merely taking existing provisions and making a few adjustments. When the Board comes back in the fall and next spring with other bylaws, you can be

assured that we will be very careful not to have a loophole or flaw. The work of developing bylaws in both art and science but involves numerous reviews and edits, peer review by other planners, review by other boards, review by Town Counsel, and public meetings and hearings. If in the unlikely case that something does prove problematic after the fact, there is always the next Town Meeting to fix it.

Q: Why not just have the Town build senior housing or do a test case first?

A: First of all, the Town tried that method and was unsuccessful. Municipalities are typically not in the development game other than some larger cities looking to do redevelopment in areas that the private market will not touch. Regardless, even with public initiatives to build housing or some other use, there still needs to be an underlying zoning that meets the state Zoning Act and is accepted by the Attorney General's office. Harvard can't do contract zoning, which is illegal. We can't do spot zoning, which is mostly not legal. Like any other community anywhere else, we need to create our preferred development through legal zoning provisions. We just have to get it right and we think we're on the right track with our three-phase plan.

Q: Why can't we pick exactly where the development will go?

A: To an extent, we can do this with zoning and the next two phases will probably have some stringent siting criteria. The Planning Board knows that residents do not want large developments at all and anything multifamily will be most appropriate in the Ayer Road Corridor. They understand that residents do not want projects that alter the town's character, and they do want projects that are designed well and in keeping with the architecture of the town and New England generally.

Q: Are we promoting assisted living? Are we saying this should be built first? How will that work?

A: The Planning Board is not explicitly promoting assisted living over other senior housing opportunities. However, assisted living is currently on the books and has been passed by a prior Town Meeting and as such, the Planning Board, for now, is respecting this past decision by citizens, and a desirable use. There has been some discussion to replace assisted living with the more comprehensive CCRC or Continuing Care Retirement Community. CCRCs have a range of different senior housing types that can serve as an opportunity to age-in-place in one community as one's needs change from independent living to assisted living and nursing care. At some point, this may be recommended. But since we are trying to provide local seniors with more options, not removing existing options, the assisted living provision is proposed to remain in place.

If a developer, based on the passing of this bylaw, wished to develop assisted living, they would need to be mindful of the caps and limits. A single project application would need to propose no more than 100 units. If it was approved, by special permit, it could receive building permits for no more than 30 in a year. So the hypothetical 100 unit assisted living could not be completed for four years. Any assisted living development would currently have to be located somewhere in the Ayer Road Commercial Corridor.

Have any other questions or concerns about this project? Drop us a line at cryan@harvard.ma.us anytime!