

WARRANT ARTICLE 46 - CITIZEN PETITION
ZONING BYLAW AMENDMENT

Title: Zoning Map & Continuing Care Retirement Community Overlay District

Changes from the proposed bylaw amendment as printed in the Warrant are in Yellow.

ARTICLE 46. To determine whether the Town will vote to amend the Zoning Bylaw and Zoning Map as follows: (1) add to Section 2.1 (Classification of Districts) the Continuing Care Retirement Community Overlay District; (2) add to Section 2.2 (Zoning Map) the Continuing Care Retirement Community Overlay District; and (3) add Section 7.12 Continuing Care Retirement Community Overlay District as follows (deletions are shown in ~~strikeout~~ and additions in ***bold italics*** for emphasis only); or take any other action relative thereto:

1. Add at the end of Section 2.1, Classification of Districts, the following:

Continuing Care Retirement Community Overlay District (CCRCOD)

2. Amend the last paragraph of Section 2.2, Zoning Map, to read as follows, and add the Continuing Care Retirement Community Overlay District Map, June 2025 (consisting of a single sheet):

The Conservancy Districts, ~~and~~ the Wireless Communication Facility(s) Overlay District, ~~and~~ the MBTA Communities Multi-family Overlay District (MCMOD) ***and the Continuing Care Retirement Community Overlay District (CCRCOD)*** are overlay districts whose boundaries are superimposed on the Residential, Commercial, Industrial and By-Pass Districts established by this Bylaw. Said zoning maps are hereby made part of this Bylaw and shall be filed in the Office of the Town Clerk.

3. Add Section 7.12 CONTINUING CARE RETIREMENT COMMUNITY OVERLAY DISTRICT as follows (all language is new, but not shown in ***bold italics***):

SECTION 7.12 CONTINUING CARE RETIREMENT COMMUNITY OVERLAY DISTRICT

7.12.1 Standards

7.12.1.1 *Overlay District*: The Continuing Care Retirement Community Overlay District (CCRCOD) shall not replace existing zoning districts but shall be superimposed on the underlying zoning district(s) as shown on the Zoning Map. The regulations for uses, dimensions, and all other provisions of the Zoning Bylaw governing the respective underlying zoning district(s) shall remain in full force, **provided that in the event of a conflict between the provisions of this Section 7.12 and any other provision of the Zoning Bylaw with respect to a use permitted by the CCRCOD, this Section 7.12 shall govern.**

7.12.2 *Permitted Uses and Definitions*: The following definitions shall apply **to these permitted uses** in the CCRCOD:

7.12.2.1 *Continuing care*: The furnishing to an individual, other than an individual related by consanguinity or affinity to the person furnishing such care, of board and lodging together with nursing services, medical services **or and other health-related services or wellness services**, regardless of whether or not the lodging and services are provided at the same location, pursuant to a contract as required under M.G.L. c. 93, s. 76, effective for the life of the individual or for a period in excess of one year.

7.12.2.2 *Continuing Care Retirement Community (CCRC)*: A facility or homes providing Long Term Care Services **and associated accessory uses** and pursuant to a contract effective for the life of the individual or for a period in excess of one year.

7.12.2.3 Long Term Care Services: A combination of nursing home care, in-home nursing care, assisted living services, independent living services, home health care, personal care, homemaking, case management or comparable services designed to enable a functionally impaired resident to maintain their person and their living unit, as safely and comfortably as is reasonably possible in a continuing care setting as defined herein. For the purposes of this definition, the term “Long Term Care Services” shall also be construed to include necessary or medically necessary diagnostic, preventive, therapeutic, rehabilitative, or custodial care, all as set forth in M.G.L. c. 93, §76, as well as hospitality and wellness services.

7.12.2.4 Health Services Units: Units providing assisted living or nursing home care.

7.12.2.5 Independent Living Unit: A dwelling unit that may include some basic services such as meals and housekeeping, building security with 24-hour staff presence, laundry, transportation, and recreational and social activities, but not assisted living or nursing home care.

7.12.2.6 Multi-Unit Dwelling: A dwelling providing five (5) or more independent living units and/or health services units.

7.12.2.7 Townhouse Dwelling: A dwelling providing not more than four (4) independent living units.

7.12.3 Maximum permissible density: The maximum permissible density shall not exceed sixteen (16) dwelling and/or health services units per acre within the CCRCOD.

7.12.4 Yard requirements: All structures dwellings shall meet the following required setbacks from the boundary of the CCRCOD:

	Townhouse Dwelling Independent Living Unit	Multi-Unit Dwelling Structure
Front Yard	40 ft.; provided, however, that no Townhouse Dwelling directly adjacent to the front yard setback of Old Marlboro Road shall contain more than 3 units	40 ft.; provided, however, that no Multi-Unit Dwelling shall be located closer than twice the height of the Dwelling from Old Marlboro Road
Side Yard	30 ft.	30 ft.
Rear Yard	15 ft.	30 ft.

7.12.5 Height:

7.12.5.1 The height of a free-standing Townhouse independent living Dwelling unit shall not exceed thirty-five (35) feet in height and shall be measured as set forth in the third paragraph of Section 6.2.11 of this Bylaw.

7.12.5.2 The height of a Multi-Unit Dwelling building shall not exceed eighty-five (85) feet in height and shall be measured as set forth in the first paragraph of Section 6.2.11 of this Bylaw.

7.12.6 Parking: Each independent living dwelling unit shall require a minimum of one (1) off-street parking space. Assisted living residence and nursing home parking shall comply with Table IV Minimum Parking.

7.12.7 Common Open Space: All land within the CCRCOD which is not covered by buildings, roads, driveways, parking areas or service areas, and which is not set aside as yards, patios, gardens, or similar areas for exclusive use by a resident, shall be common open space. The area of the common open space shall equal at least twenty (20) percent of the total area of the CCRCOD.

7.12.7.1 The common open space shall have a shape, dimension, character and location suitable to ensure its use exclusively for conservation, agricultural, horticultural, or passive recreation purposes by at least all the residents of the CCRC. Common open space may be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in a natural state and that it shall be maintained in a manner which will ensure its suitability for its intended purposes. Underground utilities to serve the CCRC facilities may be located within the common open space.

~~**7.12.8 Attainable Dwelling and/or Health Services Units.** The Planning Board may require, as a condition of site plan approval, that up to ten percent (10%) of the independent living dwellings and/or health services units shall be Attainable Units, with an initial entry price and monthly rental price determined to be available to an individual or household earning between 70% -140% of the Area Median Income, adjusted for household size, as established by the U.S. Census Bureau. The Attainable Units shall be located within the CCRCOD, or at another Concord location determined to be acceptable by the Planning Board.~~

7.12.8 Compliance with IRS Revenue Ruling: The CCRC shall comply with IRS Rev. Ruling 72-124, as may be amended or superseded by the IRS.

7.12.9 Site Plan Review: Development under Section 7.12 requires Site Plan Review by the Planning Board under Section 11.8. The Planning Board may waive any substantive requirement contained herein as part of the issuance of site plan approval and may impose reasonable terms and conditions to promote and serve the purposes and objectives of Section 7.12 and Section 11.8. Approval may reasonably condition matters such as vehicular and pedestrian access and circulation on site, stormwater management, site design and layout, and lighting, and screening for adjacent properties. The Planning Board may impose a condition requiring the installation of suitable landscaping along any CCRCOD property line to reduce the visual impact of the principal use upon adjacent properties by the use of trees, shrubs, walls, fences, or other landscape elements. Such landscaping shall, at a minimum, comply with the requirements of Section 6.2.9 irrespective of whether lot lines are noted in Table III. The Planning Board may require a performance guarantee to ensure compliance with these conditions. The Planning Board may adopt reasonable rules and regulations to govern the administration of this Section. The submittals and permits under Section 7.12 shall be in addition to any other requirements or provisions of this Zoning Bylaw.

Explanation: This Warrant Article would amend Section 2.1 (Zoning Districts) and Section 2.2 (Zoning Map) to add a new Continuing Care Retirement Community Overlay District and create Section 7.12 “Continuing Care Retirement Community Overlay District” to allow different types of housing, services, health care, hospitality, and wellness services at one location for older individuals or couples who choose to “age in place.”

The CCRCOD is an overlay district having an area of approximately 12.1 acres located off Old Marlboro Road and west of Old Road to Nine Acre Corner.

Authoring Citizens:

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Original Article 46 with authoring signatures created and submitted on February 17, 2025
Changes from the original bylaw amendment as printed in the Warrant created and submitted on June 1, 2025