



TOWN OF DOUGLAS
Assisted Living Facilities (ALF)
SPECIAL PERMIT APPLICATION FORM
Pursuant to Section 7.3 & 9.3 of the Douglas Zoning Bylaw

Zoning Bylaw Section 7.3

OFFICE USE ONLY

APPL No. _____
SUBMITTED _____
FEE _____

I. Owner Information

Organization Name _____ Contact Person _____
Street Address _____ Additional Address _____
City/Town _____ State _____ Zip Code _____
Telephone Number _____ Fax Number _____ Email Address _____
Other Comments _____

II. Applicant Information

Organization Name _____ Contact Person _____
Street Address _____ Additional Address _____
City/Town _____ State _____ Zip Code _____
Telephone Number _____ Fax Number _____ Email Address _____
Other Comments _____

III. Representative Information

Organization Name _____ Contact Person _____
Street Address _____ Additional Address _____
City/Town _____ State _____ Zip Code _____
Telephone Number _____ Fax Number _____ Email Address _____
Other Comments _____

IV. Operator Information

Organization Name _____ Contact Person _____



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Street Address _____	Additional Address _____
City/Town _____	State _____ Zip Code _____
Telephone Number _____	Fax Number _____ Email Address _____
Other Comments _____	

V. Site Information

Assessors Map _____	Assessors Parcel _____	Deed Book _____	Deed Page _____
Street Address _____	Additional Address _____		
City/Town _____	State _____	Zip Code _____	
Other Comments _____			

VI. Assisted Living Facilities ALF 7.3 Zoning By-Law

7.3 ASSISTED LIVING FACILITIES

7.3.1 Purpose

The purpose of this Section is to provide a mechanism for the approval of:

1. assisted living facilities (ALF) within a residential environment that offer supportive services to individuals who are unable to live independently in the community by offering supervision and/or assistance with basic activities of daily life, such as, but not limited to, dressing, bathing, toileting, and nutrition; and
2. the development of ALF in a manner that conserves environmental features, woodlands, wet areas, open space, areas of scenic beauty, views and vistas as well as encouraging the renovation and rehabilitation of older, existing buildings; and
3. the development of ALF in a manner harmonious with the surrounding land uses while protecting natural resources and open space.

7.3.2 Definitions

Within this Section 7.3, the following terms shall have the following meanings:



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Affordable Unit: A dwelling unit sold or leased at a price affordable to persons earning not more than 80% of the area median income as determined by the Massachusetts Department of Housing and Community Development. Such units shall be restricted for a period of not less than thirty (30) years.

Applicant - The person or persons, including a corporation or other legal entity, who applies for issuance of a special permit hereunder. The Applicant must own, or be the beneficial owner of, all the land included in the proposed site, or have authority from the owner(s) to act for him/her/it/them or hold an option or contract duly executed by the owner(s) and the Applicant giving the latter the right to acquire the land to be included in the site.

Assisted Living Facility (ALF) - A facility as defined in 651 CMR 12.02.

Bedroom - A separate room intended for, or which customarily could be used for, sleeping.

Dwelling Unit - A residence, including studio units. Each residence shall contain a living area, bathroom and, except in studio units, one or more bedrooms, and may contain a kitchen area or combination kitchen/living area.

Land - Land, including areas covered by water.

Regulations - The rules and regulations of the Planning Board relative to subdivisions, special permits or other jurisdictions of the Board.

Thoroughfare - A street open at both ends, affording an unobstructed exit at each end into another street.

Wetlands - Land subject to the provisions of M.G.L. c. 131, ss. 40 and 40A.

7.3.3 Special Permit Required

An ALF may be constructed, in all districts except Industrial and State Forest Open Space upon the issuance of a special permit by the Planning Board, subject to the requirements set forth herein. No other use or structures shall be permitted in conjunction with an ALF, except as specifically provided herein.

7.3.4 Special Permit Granting Authority

The Planning Board shall serve as the special permit granting authority pursuant to this section. The Planning Board may waive the submittal of technical information or documents otherwise required hereunder where the applicant demonstrates that, due to the simplicity of the proposal, such information is not necessary for or applicable to the Planning Board's decision pursuant to this section. An application for a special permit shall be governed by the following rules.



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7.3.5 Application

An application for a special permit shall be submitted to the Planning Board on forms furnished by the Planning Board. Each such application shall be accompanied, if applicable, by a definitive plan of land pursuant to the provisions of G.L. c. 41, ss. 810 and 81T as the same may be from time to time amended and the Regulations of the Planning Board and a filing fee determined in accordance with said Regulations. In addition the applicants shall submit:

1. The following plans:

- A. a plan conforming to the requirements of Section 7.3.6;
- B. a plan at a scale of 1" = 40' showing the topography of the site at a minimum of two foot intervals, as well as vegetation and special features, including wetlands, perennial streams and ponds, trees of more than 8" caliper, rock outcroppings, slopes in excess of 15%, existing and proposed trails and paths, open vistas, structures of historical importance and biological or wildlife habitats, and proposed conservation and recreation easement areas;
- C. a plan illustrating preliminary landscaping and architectural design, showing types, location and layout of buildings, and typical elevations, as well as the general height, bulk and appearance of structures. Perspective drawings may be subsequently required by the Planning Board;

2. The following narrative reports or data:

- A. a proposed development schedule showing the beginning of construction, the rate of construction and development, including stages, if applicable, and the estimated date of completion;
- B. a development impact statement prepared by qualified professionals, detailing the impact of the development on the Town's capacity to furnish services including, but not limited to, roads, police, fire, emergency services and water;
- C. information pertaining to any organization which the Applicant proposes to form where the development is to be a condominium development, including forms and plans to be used to organize and manage the same, for approval as to form by Town Counsel;
- D. copies of all proposed covenants, easements, and other restrictions which the Applicant proposes to grant to the Town, the Conservation Commission, utility companies, any condominium organization and the owners thereof, including plans of land to which they are intended to apply, for approval as to form by Town Counsel;
- E. any and all other information that the Planning Board may reasonably require in a form acceptable to it to assist in determining whether the Applicant's proposed development plan meets the objectives of this Section.



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7.3.6 Standards

In order to be eligible for consideration for a special permit pursuant to this Section, the proposed development shall meet all of the following standards:

1. Size of Parcel. In the Residence Districts, the parcel on which the ALF will be located shall have at least five (5) acres. In all other eligible districts, the minimum lot size shall control.



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2. Open Space Requirements. Maximum lot coverage by buildings in the Residence Districts shall not exceed 30%; maximum lot coverage by impervious surfaces in the Residence Districts shall not exceed 50%.
3. Buffer. In all districts, a buffer area of fifty (50) feet shall be provided at the perimeter of the property where it abuts residentially zoned or occupied properties, except for driveways necessary for access and egress to and from the site.
4. Removal and Replacement of Vegetation. With the site, no clear cutting shall be permitted, except incidental to construction of buildings, roads, trails and parking areas.
5. Roadways. The public roadway providing access to the site shall be a thoroughfare. The principal roadway(s) within the site shall be designed to conform with the standards of the Town where the roadway is or may be ultimately intended for dedication and acceptance by the Town. Private ways within the site shall be adequate for the intended use and vehicular traffic and shall be maintained by an association of unit owners or by the Applicant.
6. Parking. The applicant shall provide adequate parking to serve all anticipated uses on the property, with information detailing the method of computation of parking spaces. The minimum number of parking spaces provided on the site shall be 0.3 parking space per dwelling unit in an ALF. One (1) parking space shall be provided for every three (3) employees during the largest shift. The Planning Board may increase the required parking by up to 10% to serve the needs of employees, visitors and service vehicles. All parking areas shall be screened from view from adjacent residentially zoned or occupied premises located outside the site, including public ways, by a landscaped border at least ten (10) feet in width.
7. Stormwater Management. Stormwater management shall be designed in accordance with the Regulations of the Planning Board and the standards established in the Massachusetts Stormwater Policy Manual.
8. Utilities. All electric, gas, telephone, and water distribution lines shall be placed underground, except upon a demonstration of exceptional circumstances. The facility shall be served by the municipal water system.
9. Emergency Systems. The ALF shall have an integrated emergency call, telephone and other communications system to provide monitoring for its residents. There shall be sufficient site access for public safety vehicles. A plan shall be approved by the Fire Department for the emergency evacuation of the residents with emphasis on ensuring the safety of residents with physical impairments.

7.3.7 Number of Units/Bedrooms

The number of bedrooms in an ALF shall not exceed sixteen (16) per acre of parcel size.
(See also section 7.3.10)

7.3.8 Buildings - Design and Architectural Character

An ALF may consist of a single building or multiple buildings. The maximum building height and maximum number of stories shall be as set forth in the requirements for the district in which the parcel is located. Building construction and style must be distinctively residential in character.



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7.3.9 Accessory Structures and Uses

Structures and uses accessory to the ALF may also be provided (with the exception of covered parking areas) within the same building, including, but not limited to, the following: beauty and barber salons; recreational, physical fitness and therapy services; nondenominational chapel; library; bank automated teller machine; management offices; adult day care or adult day health facility; hospice residence; food service; laundry and covered parking areas; provided, however, that such accessory uses and structures shall be designed for the primary use of the residents and staff of the ALF. Such accessory uses may not be designed for or used as a general business by the general public. Such accessory uses shall be wholly within a structure containing residential units, and shall not have exterior advertising display.

7.3.10 Affordable Units

Applicants are encouraged to provide affordable units. Such affordable units shall be integrated into the overall development of the ALF so as to prevent the physical segregation of such units. For every affordable unit, the applicant may add an additional two market rate units, provided that in no event shall the total number of units exceed by 20% the number of units/bedrooms prescribed in Section 7.3.7.

7.3.11 Conversion of Existing Structures

Notwithstanding any other provision(s) of this Section 7.3, the Planning Board may authorize the appropriate reuse of buildings no longer needed or suitable for their original use, and to permit reuse as an ALF when compatible with the character of the neighborhood. Applicants wishing to convert existing structures to ALFs may do so, subject to a special permit, where such building(s) is located on a lot with at least 30,000 square feet of area. The Planning Board may permit expansion of the structure to the degree reasonably necessary to construct entryways and features to comply with A.D.A. requirements and fire escape and fire protection features.

7.3.12 Action by Planning Board

The Planning Board may grant a special permit for an ALF where it makes the following findings:

1. The proposed ALF complies with the requirements of this section;
2. The proposed ALF does not cause substantial detriment to the neighborhood after considering the following potential consequences:
 - A. noise, during the construction and operational phases;
 - B. pedestrian and vehicular traffic;
 - C. environmental harm;
 - D. visual impact caused by the character and scale of the proposed structure(s).



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VII. ALF Application 7.3.5 Zoning By-Law

Does the proposed project meet the following conditions?

1) The following plans:

- A. a plan conforming to the requirements of Section 7.3.6; YES NO
- B. a plan at a scale of 1" = 40' showing the topography of the site at a minimum of two foot intervals, as well as vegetation and special features, including wetlands, perennial streams and ponds, trees of more than 8" caliper, rock outcroppings, slopes in excess of 15%, existing and proposed trails and paths, open vistas, structures of historical importance and biological or wildlife habitats, and proposed conservation and recreation easement areas; YES NO
- C. a plan illustrating preliminary landscaping and architectural design, showing types, location and layout of buildings, and typical elevations, as well as the general height, bulk and appearance of structures. Perspective drawings may be subsequently required by the Planning Board; YES NO

2) The following narrative reports or data:

- A. a proposed development schedule showing the beginning of construction, the rate of construction and development, including stages, if applicable, and the estimated date of completion; YES NO
- B. a development impact statement prepared by qualified professionals, detailing the impact of the development on the Town's capacity to furnish services including, but not limited to, roads, police, fire, emergency services and water; YES NO
- C. information pertaining to any organization which the Applicant proposes to form where the development is to be a condominium development, including forms and plans to be used to organize and manage the same, for approval as to form by Town Counsel; YES NO
- D. copies of all proposed covenants, easements, and other restrictions which the Applicant proposes to grant to the Town, the Conservation Commission, utility companies, any condominium organization and the owners thereof, including plans of land to which they are intended to apply, for approval as to form by Town Counsel; YES NO
- E. any and all other information that the Planning Board may reasonably require in a form acceptable to it to assist in determining whether the Applicant's proposed development plan meets the objectives of this Section. YES NO
- F. Are taxes current on the property? YES NO



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VIII. ALF Standards for Assisted Living Facilities 7.3.6 Zoning By-Law

In order to be eligible for consideration for a special permit pursuant to this Section, the proposed development shall meet all of the following standards:

Please check if the proposed project meets the following conditions.

1) Size of Parcel. In the Residence Districts, the parcel on which the ALF will be located shall have at least five (5) acres. In all other eligible districts, the minimum lot size shall control. YES NO

2) Open Space Requirements. Maximum lot coverage by buildings in the Residence Districts shall not exceed 30%; maximum lot coverage by impervious surfaces in the Residence Districts shall not exceed 50%. YES NO

3) Buffer. In all districts, a buffer area of fifty (50) feet shall be provided at the perimeter of the property where it abuts residentially zoned or occupied properties, except for driveways necessary for access and egress to and from the site. YES NO

4) Removal and Replacement of Vegetation. With the site, no clear cutting shall be permitted, except incidental to construction of buildings, roads, trails and parking areas. YES NO

5) Roadways. The public roadway providing access to the site shall be a thoroughfare. The principal roadway(s) within the site shall be designed to conform with the standards of the Town where the roadway is or may be ultimately intended for dedication and acceptance by the Town. Private ways within the site shall be adequate for the intended use and vehicular traffic and shall be maintained by an association of unit owners or by the Applicant. YES NO

6) Parking. The applicant shall provide adequate parking to serve all anticipated uses on the property, with information detailing the method of computation of parking spaces. The minimum number of parking spaces provided on the site shall be 0.3 parking space per dwelling unit in an ALF. One (1) parking space shall be provided for every three (3) employees during the largest shift. The Planning Board may increase the required parking by up to 10% to serve the needs of employees, visitors and service vehicles. All parking areas shall be screened from view from adjacent residentially zoned or occupied premises located outside the site, including public ways, by a YES NO



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landscaped border at least ten (10) feet in width.

7) **Stormwater Management.** Stormwater management shall be designed in accordance with the Regulations of the Planning Board and the standards established in the Massachusetts Stormwater Policy Manual. YES NO

8) **Utilities.** All electric, gas, telephone, and water distribution lines shall be placed underground, except upon a demonstration of exceptional circumstances. The facility shall be served by the municipal water system. YES NO

9) **Emergency Systems.** The ALF shall have an integrated emergency call, telephone and other communications system to provide monitoring for its residents. There shall be sufficient site access for public safety vehicles. A plan shall be approved by the Fire Department for the emergency evacuation of the residents with emphasis on ensuring the safety of residents with physical impairments. YES NO

IX. ALF Number of Units/Bedrooms 7.3.7 Zoning By-Law

The number of bedrooms in an ALF shall not exceed sixteen (16) per acre of parcel size.
 Bedroom Per Acre = _____.

Section 9.3 Special Permits of the Zoning Bylaws

Section 9.3.2 Criteria

Special permits shall be granted by the Special Permit Granting Authority, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this by-law, the determination shall include consideration of each of the following:

Has a narrative describing the items below been submitted?

1) Traffic flow and safety, including parking and loading; (section 9.3.2.1) YES NO

2) Social, economic, or community needs which are served by the proposal. (section 9.3.2.2) YES NO

3) Adequacy of utilities and other public structures; (section 9.3.2.3) YES NO

4) Neighborhood character and social structures; (section 9.3.2.4) YES NO

5) Impacts on the natural environment; (section 9.3.2.5) YES NO

6) Potential fiscal impact, including impact on town services, tax base, and employment. (section 9.3.2.6) YES NO



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X. FEES

The fees for work proposed under this Special Permit Application shall be in accordance with the Town of Douglas Fee Schedule for Special Permit Applications.

Applicants must submit the following information with fee payment:

Fee Calculations _____

Check Number _____ Check date _____

Payor name on check _____ Applicant name (if different from payor) _____

Administrative Filing Fee: **Base: \$250**

No. of property Abutters: _____ x \$5.00/EA = _____

TOTAL ADMIN FEE: _____

Project Review & Inspection Fee:

III) Total Application Fee:

I) ADMIN TOTAL: \$ _____

II) REVIEW TOTAL: \$ _____

TOTAL FEE: \$ _____

** Please make all checks payable to the Town of Douglas **

Note: Any fees determined to be refundable by the Board having jurisdiction over these fees and the Town Accountant will be returned to the ORIGINAL APPLICANT ONLY- regardless of who funded the application or whose name is on the check.



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XI. SIGNATURES

I hereby certify under the penalties of perjury that the foregoing Special Permit Application and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Planning Board will place notification of this Submittal in a local newspaper at the expense of the applicant in accordance with the requirements of the State Zoning Act.

I further certify under penalties of perjury that a current list of all abutters and other relevant parties of interest were provided to the Planning Board office with current mailing addresses. These parties will be notified by the Douglas Planning Board pursuant to the requirements of the State Zoning Act. Notice must be made in writing by hand delivery or certified mail (return receipt requested) to all abutters within 300 feet of the property line of the project location.

Signature of Applicant

Date

Signature of Property Owner (if different)

Date

Signature of Representative (if any)

Date