

**Assisted Living – Proposed Changes to Table of Uses
September 23, 2022**

The attached excerpt from the table of uses proposes several changes for assisted living facilities. The shading of cells in the use table pairs the two types of assisted living facilities with their multifamily dwelling counterparts in terms of scale:

- assisted living home (up to 5 residents) is paired with 3- and 4-unit multifamily dwelling; and
 - assisted living center (6 or more residents) is paired with 5-unit or larger multifamily dwelling.
- The following tables explain the proposed changes.

Assisted living home (up to 5 residents):

This use would likely be similar to a large single- or two-family dwelling or a small multifamily dwelling. (An example would be the Greengard Residence on Brewery Lane.) As such, it should not be restricted more than a 3- to 4-unit multifamily building. Siting issues, including landscaping, buffers, lighting and off-street parking, can be addressed through the site plan review process.

District	MF 3-4 units	ALH Current	ALH Proposed	Comments
GRA & GRB	S	S	P	Change from S to P. This is more permissive than for the 3-4 unit multifamily, but consistent with a two-family dwelling.
GRC (A)	P	S	P	Change from S to P to be consistent with small multifamily.
GA/MH	P	S	P	
MRO & CD4-L1	P	S	P	
CD4-L2	P	S	P	
MRB	P	S	P	
CD5 & CD4	P	N	P	Change from N to P to be consistent with small multifamily.
GB	N	N	N	No change.
G1	P	S	P	Change from S to P to be consistent with small multifamily.
G2	P	S	P	
B & CD4-W	P	N	P	Change from N to P to be consistent with small multifamily.

Assisted living center (6 or more residents):

While this use is defined as an assisted living facility for 6 or more residents, in practice it is likely to be much larger than the minimum because of the need to support specialized staffing and services. According to a 2020 report to Congress, assisted living facilities in 2016 ranged in size from 4 to 518 licensed beds, and the average bed capacity was 35 licensed beds. Portsmouth’s Edgewood Centre has a capacity of 156 residents and Clipper Harbor on Jones Road serves 102 residents. Two newer facilities in Durham, which opened in 2012 and 2017, have 24 and 60 residents.

At the same time, the neighborhood impacts of an assisted living center may be less than a comparable-sized multifamily building because most residents will not drive and may not be engaged in active outdoor recreation. Thus, while the physical structure may be similar to a large apartment building, the effects may be more comparable to a smaller development.

District	MF 5+ units	ALC Current	ALC Proposed	Comments
GRC (A)	S/N	N	S	Change from N to S to be consistent with smaller (5- or 8-unit) multifamily uses.
GA/MH	P	N	P	Change from N to P to be consistent with multifamily.
MRO & CD4-L1	P/N	N	S	In these districts, multifamily is permitted up to 8 dwelling units but prohibited with more than 8 units (no middle ground). Assisted living centers are likely to be comparable to the larger multifamily buildings, so if they are allowed it makes sense to require a special exception.
CD4-L2	P/N	N	S	
MRB	P/N	N	S	
CD5 & CD4	P	P	P	No change.
GB	N	P	N	Change from P to N to be consistent with multifamily. (This district is limited to a few parcels around the Route 1 Circle and along the Spaulding Turnpike.)
G1	P	S	P	Change from S to P to be consistent with multifamily.
G2	P	S	P	
B & CD4-W	P	P	P	No change.

Section 10.440 Table of Uses – Residential, Mixed Residential, Business and Industrial Districts

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	MRO CD4- L1	CD4- L2	MRB	CD5 CD4	GB	G1	G2	B CD4- W	WB	OR	I	WI	Supplemental Regulations
1. Residential Uses																		
1.10 Single family dwelling	P	P	P	P	N	P	P	P	P	N	P	P	N	N	N	N	N	
1.30 Two-family dwelling	N	N	P	P	P	P	P	P	P	N	P	P	N	N	N	N	N	10.640 (Downtown Overlay district)
1.40 Townhouse	N	N	S	P	P	P	P	P	P	N	P	P	P	N	N	N	N	10.640 (Downtown Overlay district)
1.50 Multifamily dwelling																		
1.51 3 or 4 dwelling units	N	N	S	P	P	P	P	P	P	N	P	P	P	N	N	N	N	10.5A32 (Character district permitted uses)
1.52 5 to 8 dwelling units	N	N	N	S	P	P	P	P	P	N	P	P	P	N	N	N	N	10.640 (Downtown Overlay district)
1.53 More than 8 dwelling units	N	N	N	N	P	N	N	N	P	N	P	P	P	N	N	N	N	10.813 (Multifamily Dwellings in the Business District)
2. Institutional Residence or Care Facilities																		
2.10 Assisted living facility																		
2.11 Assisted living center	N	N	N	NS	NP	NS	NS	NS	P	PN	SP	SP	P	N	N	N	N	
2.12 Assisted living home	S	S	SP	SP	SP	SP	SP	SP	NP	N	SP	SP	NP	N	N	N	N	
2.20 Residential care facility																		
2.21 5 or fewer residents	S	S	S	S	S	S	S	S	N	N	S	S	S	N	N	N	N	
2.22 More than 5 residents	N	N	N	N	N	S	S	S	P	S	S	S	S	N	S	N	N	