



CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

April 26, 1976

The Honorable, the City Council
City Hall
Cambridge, Massachusetts

SUBJECT: Zoning Petition - Regulation of Community Residences
and Personal Care Lodging Houses.

Dear Councillors:

In accordance with Chapter 40A of the General Laws, the Planning Board held a public hearing on Tuesday, April 20, 1976 on a petition by City Councillor Francis Duehay to amend the text of the Zoning Ordinance of the City of Cambridge by the addition of a new Article IX which would regulate the establishment and maintenance of Community Residences and Personal Care Lodging Houses by a Special Permit procedure.

The Planning Board recommends that the petition be APPROVED.

1. Background

Within the past few years there has been a radical change in the state policies toward rehabilitative programming. Instead of relying entirely on large, centralized institutions, the state has been setting up smaller, community based residences wherein people with problems such as mental retardation, delinquency, alcoholism or mental illness can live and receive treatment in a residential, "family" environment. These changes have been implemented rapidly in Massachusetts and problems have resulted which are not provided for under existing state and/or local laws. In addition, local agencies and private non-profit organizations have established Personal Care Lodging Houses to aid people with mental, physical or social problems.

Like most cities, Cambridge has chosen to place Community Residences and Personal Care Lodging Houses under rules and regulations pertaining to lodging houses. These regulations are contained in several codes and ordinances, including Zoning, Housing, Building, Fire, and Licensing. While most of the regulations are helpful in that they ensure the safety

of the people living in Community Residences and Personal Care Lodging Houses, the Zoning Ordinance has allowed an undue concentration of these facilities in certain neighborhoods.

In November of 1972 a number of Cambridgeport residents began voicing their concerns about the increasing numbers of Community Residences. In particular, the residents' concerns were as follows:

1. That, because of Zoning requirements, four out of the seven Halfway Houses in Cambridge had located in Cambridgeport and others were planning to locate within the same small area;
2. That under existing regulations houses were permitted to come into the city and into a neighborhood without providing any notice or information to the residents;
3. That there was no mechanism for community participation in the operation of the Residence or for the settling of difficulties between the neighborhood and the Residence.

The City Council and the Manager requested that the Planning Board study the problem and draft an amendment to the Zoning Ordinance which could help to meet some of the concerns expressed by the Cambridgeport residents.

A petition was drafted and forwarded to the City Council with a favorable recommendation after a Planning Board public hearing. At that time the proposal was tabled by the City Council due to a lack of concensus.

2. Community Residence and Personal Care Lodging House

A Community Residence is defined as follows:

A residence in which:

- a. the sponsor or caretaker provides, or arranges for the provision of varying degrees of personal supervision, personal care and personal relationship, in a residential environment, to persons residing therein, with mental, physical, or social problems, such as alcoholism, drug dependence, mental disorders, juvenile delinquency, or other problems in which the resident has special needs or requires special care; and
- b. the sponsor or caretaker is acting in collaboration with and under regulation, licensure, or certification of one or more of the agencies of the Commonwealth, including but not limited to, the departments of Public Health, Mental

Health, Corrections, Youth Services, or the Division of Alcoholism, or the Committee on Law Enforcement, or the Office for Children, or the Commission for the Blind.

2. A Community Residence may include a facility referred to as a Halfway House, a Personal Care Residence, a Group Facility, a Group Care Facility, a Group Home, a Community Transitional Facility, or by any other terminology, provided the conditions described above in paragraph a. are satisfied.
3. For the purpose of this Article Community Residences shall not include, lodging houses as defined in Chapter 140, Section 22 of the Massachusetts General Laws or in Article II of this ordinance, except as defined in Section 2, paragraph b. below.

A. Personal Care Lodging House is defined as follows:

A dwelling where lodgings are let to four or more persons not within the second degree of kinship to the person conducting it, and where the person conducting it provides varying degrees of personal supervision, personal care and personal relationship, in a residential environment, to persons residing therein, with mental, physical, or social problems, such as alcoholism, drug dependence, mental disorders, juvenile delinquency, or other problems in which the residents has special needs or requires special care.

B. Group Quarters

A living arrangement for groups containing four or more persons not related to the person in charge.

C. Neighborhood

That geographical area within Cambridge whose boundaries are defined on the Cambridge Planning Board's map entitled Cambridge Neighborhoods, as attached hereto and incorporated herein by reference.

3. Special Permit

In order to establish either of these facilities, a person or group would have to obtain a Special Permit which would require renewal biennially. This permit would be granted by the Board of Zoning Appeal only upon satisfaction of the following criteria:

Special Permit Criteria

The Board of Zoning Appeal shall grant or renew a Special Permit for the establishment of a Community Residence or Personal Care Lodging

House in accordance with the procedures outlined in Article 1., Section 4 of this ordinance if the Board finds that such Community Residence or Personal Care Lodging House has met all of the following criteria.

1. The operation of the Community Residence or Personal Care Lodging House as proposed, must not result in bringing the number of Community Residences and Personal Care Lodging Houses within that same neighborhood above one Residence for every 5000 population, or any increment exceeding one half of that number, living in other than Group Quarters within that same neighborhood, as determined by the most recent United States Census. For the purpose of computing the total number of Residences within a particular neighborhood, the number of Community Residences that were in existence at the time of the enactment of this Article shall be included. (See Cambridge Neighborhoods Map).
2. A Community Residence or Personal Care Lodging House shall house no more than 20 persons, exclusive of staff.
3. The Board may refuse to grant a Special Permit for the establishment of a Community Residence or Personal Care Lodging House at a location that is 300 feet or less from an existing Community Residence or Personal Care Lodging House.
4. A Community Residence or Personal Care Lodging House must have a House Committee,
 - a. 50% of whose members live within 500 feet of the Community Residence or Personal Care Lodging House with the remaining members living within the neighborhood in which the Community Residence or Personal Care Lodging House will be located; and
 - b. whose purpose it will be to assist in coordinating the programs and activities of the Community Residence or Personal Care Lodging House with the needs of the Cambridge Community, and to act as a liaison between the Community Residence or Personal Care Lodging House and the neighborhood in which such Residence is located; and
 - c. who will begin work within six months of the effective date of the Community Residence or Personal Care Lodging House Permit.
5. The occupants and staff of a Community Residence or Personal Care Lodging House shall park no more automobiles than off-street parking spaces presently provided or rented.

6. The premises of a Community Residence or Personal Care Lodging House shall be in a reasonable state of repair within six months of the original permit and maintained in such condition.
7. The Board of Zoning Appeal may renew a Special Permit upon receipt of satisfactory evidence that the operation of the Community Residence or Personal Care Lodging House has been quiet, orderly, and in conformance with this Ordinance, has not resulted in excessive complaints to the Police Department and has not involved disturbance to the neighborhood.
8. A Community Residence or Personal Care Lodging House must have been inspected by the Housing Inspection Division of the Cambridge Department of Health and Hospitals and this Department must have found that, for the use proposed, the property is in compliance with the Cambridge Housing Code and the Massachusetts Sanitary Code, including, but not limited to the minimum space requirements for each occupant.
9. The Community Residence or Personal Care Lodging House must have been inspected by the Cambridge Fire and Building Departments and these Departments must have found that, for the use proposed, the property is in compliance with the applicable fire and building codes.

4. Conclusions

The Planning Board feels that the proposed Community Residence/Personal Care Lodging House zoning regulations, are an excellent step towards solving the conflict which exists between neighborhood residents and the population of these group care facilities. In addition the primary purpose of the ordinance which is to ensure the safety of people living in these facilities and the safety of the public would be fulfilled.

The Planning Board recommends that this petition be APPROVED.

For the Cambridge Planning Board,

Alfred B. Cohn

Alfred B. Cohn
Vice-Chairman

6. 120

Journ. from the Planning Board transmitting
an amendment to the Zoning Ordinance relative
to Community Residences.

In City Council,
May 10, 1976

5/10/76
Referred to
the Ordinance
Committee
Copy sent 5/12/76 CA