



TOWN OF OXFORD

S.B. Church Memorial Town Hall
486 Oxford Road, Oxford, Connecticut 06478-1298
www.Oxford-CT.gov

Oxford Planning & Zoning Commission

RECESSED PUBLIC HEARING MINUTES

Tuesday, January 17, 2017 - 7:00 PM
Main Meeting Room, S.B.Church Memorial Town Hall

Oxford Planning & Zoning Commission's **Special Meeting/Public Hearing** on application:

Z-16-222 [RGCD] – Oxford Greens – Proposed Assisted Living Facility (32-33/10-11/2 1)

Owner & Applicant: Timberlake Investment Partners V, LLC

- a. **Special Exception** (Article 5A, Section 8.1, Article 5A, Section 9.1 and Article 10, Section 10.2)
- b. **Site Plan Application** (Modification of previously approved Conceptual Plan)

At the Hearing interested parties may be heard and written correspondence will be received.

CALL TO ORDER

Chairman Arnie Jensen called the recessed Public Hearing to order at 7:00 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL/SEATING OF ALTERNATES

Present: John Kerwin, Harold Cosgrove, Tanya Carver, Jeff Luff, Arnie Jensen, Pat Cocchiarella and Bob Costigan. (Todd Romagna arrived at 7:21 PM.)
Also Present: Jessica Pennell, Administrative Secretary, Steven S. Macary, ZEO and Brian Miller.

PRESENTATION BY APPLICANT/APPLICANTS' REPRESENTATIVE(S)

Christopher J. Smith, Shipman & Goodwin, Attorney for the applicant introduced the team members that are present this evening:

Robert Smith, Principal, Timberlake Investment Partners V, LLC
David Golebiewski, TPA Design Group, Landscape Architect & Project Manager
David Sacco, TPA Design Group, Civil Engineer
Stanley Gniazdowski of Realty Concepts
John Wicko, Architect
Steven Ullman, Traffic Engineer.

Attorney Chris Smith outlined what the team would be discussing this evening.

David Golebiewski, TPA Design Group explained that he would be addressing comments that came from the Commission, staff and public. He commented that the first question came from the Commission regarding the number of units and how they went from 781 units to 910 units. He explained that 781 was the approved number of units which was approved with the modified master plan, they subtracted 51 units where they are proposing the assisted living facility and 17 units from the Mastroni property. After subtracting those 68 units from the approved 781 units there are 713 units plus the 197 units for the assisted living facility. They are asking for a total of 910 units. He referred to a summary in Brian Miller's memo on page two (2). (Attachment A)

David Golebiewski also stated that there was a question regarding physical connections with Country Club Drive. He commented that they show the path that was part of the original approved 2004 plan. He noted that after hearing the concerns over the connection, they have since met with some of the members of the homeowners association and his client would be happy to remove the connection if that was a concern or condition from the Commission. He stated that the next question was regarding the screening from the Stonebridge Road cul-de-sac. (handed out a photo to demonstrate how the buildings would look from the cul-de-sac. He addressed the questions regarding the water and sewer, stating that there are "will serve" letters from each of the utility companies and that sanitary sewer is completely independent from the rest of Oxford Greens. He stated that they met with Heritage Water Company out on the site and they did a flow test for capacity and yield for the meter to determine the adequacy of the water supply and pressure. He reiterated that there is a "will serve" letter in the file.

David Golebiewski stated that there was discussion about removal of rock and the possibility of impact on surrounding homes. He explained that the average cut is five (5) to six (6) feet in that area and with that level of cut, they don't expect to see any rock. He commented that there were adjacent test pits that were performed years ago, therefore there should be no impact to any of the adjacent wells. He stated that in his professional opinion, the proposed use, buildings and other structures won't be detrimental to the health, safety, and welfare of the neighborhood. He also commented that the site will be suitably landscaped and designed and the setbacks from other structures are adequate to protect the appearance and character of the homes and neighborhoods as they have effectively demonstrated.

David Sacco, TPA Design Group stated that he will go over the technical responses to Jim Galligan's comments dated 12/30/2016. (Attachment B)

Stanley Gniazdowski, Realty Concepts stated that he was asked two (2) questions: 1) if there would be any impact on property values to 8 and 9 Stonebridge Road and 2) to compare the fiscal impact of the proposed 197 unit Assisted Living complex to the 51 single family age restricted units previously approved. He noted that based on his analysis he found that if the proposed Assisted Living complex were developed as proposed it would have minimal impact on residential property value. He also stated that the proposed development should have a positive fiscal impact of about \$316,000.00 on the Town of Oxford with minimal or no increased impact on the demand for town services and no major impact on the school system. In addition, that if the 2004 51 unit age restricted complex were developed today it would have a smaller positive fiscal impact on the Town of Oxford, resulting in about \$146,000.00 in positive tax revenue. (Supplemental Analysis on file)

Commissioner Tanya Carver stated that she understands the thought process of adding in the cost per child, but questioned why this is the first time they are adding it to the expense analysis. She stated that Mr. Gniazdowski has not come to the Commission with that amount at all on any of the previous impacts that have been submitted.

Stanley Gniazdowski stated that for an assisted living complex there will be no children.

Commissioner Tanya Carver questioned the age restricted residential.

Stanley Gniazdowski stated that he did not do the age restricted residential.

Commissioner Tanya Carver stated that she is going to remove it because they have not taken that into consideration in any of the expenses calculated to date. She then questioned if this is assisted living, why they would include 197 cars included if most people would be unable to drive.

Stanley Gniazdowski stated that they estimated one (1) car per unit.

Commissioner Tanya Carver stated that one of the points of having assisted living is that you cannot drive.

Stanley Gniazdowski stated that he was being conservative and his assumption was that there will probably be, if it is a two (2) bedroom unit, two (2) people living there and one (1) would need assisted living services and the other may not, he commented that they can reduce that number.

Commissioner Tanya Carver stated that she thinks it is more of a wash then a positive on either side. She commented that she doesn't think it is revenue for the Town.

Chris Smith stated to Commissioner Carver that the only reason they added that analysis to the previous analysis was because it was requested by the Commission.

Commissioner Tanya Carver stated that her question is the kids, they haven't put any kids cost on any of the age restricted residential applications so that is why she believes it should be removed, that would add \$54,000.00 to the bottom line.

Chris Smith stated that he would respectfully refer the Commission to the overlay which he thinks is very important when you are looking at the perspective of what could be built today and what is being proposed and with respect to the height of the single family homes, they are the same.

Commission Alternate John Kerwin stated that on page number 14 of the supplemental report from Mr. Gniazdowski, the detrimental impact would be based on building mass and sight lines.

Stanley Gniazdowski agreed.

Commission Alternate John Kerwin stated that Mr. Gniazdowski said that there would be the same detrimental impacts of the 51 units, and questioned what that was based upon.

Stanley Gniazdowski stated that is based on the sight lines of the number of units that are at the end of Stonebridge Road, there are five (5) units.

Commission Alternate John Kerwin stated that looking at the overlay, it appears that those units have almost the same footprint as 8 & 9 Stonebridge Road. He commented that they wouldn't be that much different than what you see in the neighborhood as opposed to the footprint of the much larger proposed use.

John Wicko, Architect introduced handouts and plans. He stated that the heat and air conditioning would be fueled by heat pumps, the generators will be on the roof towards the center of the buildings and all the mechanicals would be fully screened by the architecture of the buildings.

Commissioner Jeff Luff questioned if the generator would vibrate the building.

John Wicko commented that generators are not as aggressive as they used to be and they are contained, they have sound booths and walls. He stated than any noise would be projected up and out.

Commission Alternate Pete Zbras stated if the noise goes up and out, how will that affect the houses in the area.

John Wicko stated that these units would be smaller than units you would find next to a residential house, it will have very little to no impact; especially because of their location. He went on to explain that the roof and gable is residential in character.

Commissioner Harold Cosgrove stated that he is confused because this is not a part of Oxford Greens, but they are calling it Oxford Greens.

Chris Smith stated that when someone says "Oxford Greens", they are referring to the entire zone that has been approved. He stated that this proposal is located on a parcel located in "Oxford Greens" the RGCD. He stated that this proposal would be called "Pine Hill".

Chris Smith stated that Mr. Miller made reference in his memo to the Statement of Use and trying to clarify the specific use for possible inclusion into any resolution if the Commission were to act favorably on this application. He presented the Commission with two (2) handouts. He noted that one handout was in response to a specific question asked by the Commission. He stated that the Commission asked how assisted living facilities are regulated in Connecticut and how many are there. He answered that he has a report from the Office of Legislative Research of the State of Connecticut that was prepared in June 2012. He stated that his client would own the property and then have an operator to run the facility. He also noted that they have expanded the Statement of Use to basically mirror what's required by the state law, so, if the Commission were to approve the application they can refer to that and possibly incorporate it into any resolution. (See Attachments C & D)

Chris Smith stated that what is being proposed to the Commission is an Assisted Living facility that would have to abide by state regulations and his client would have to meet minimum requirements to qualify as a Managed Residential Community (MRC). He noted that they could actually rent out the units and then would also have a contract, or be qualified themselves as an ALSA in order to provide the specific services on a need by need, tenant by tenant basis. He reiterated that they are asking for approval of an Assisted Living facility and the Commission is welcome to include provisions that are found in the state law for the Commission to have some assurance that this is what they are approving. He referred the Commission to the proposed supplemental, extended Statement of Use. He noted that they are trying to address the Commission's concerns regarding this application.

Chris Smith asked Steven Ullman, Traffic Engineer if the applicant complies with Article 5A, Section 5A.8.1.c, sub section 3.2 of the Oxford Zoning Regulations:

"In your opinion, does the proposed use, buildings or other structures, are they adequate to carry the potential traffic and is provision made for entering and leaving the site in such a manner that no traffic hazards will be created and that adequate off street parking and loading facilities will be provided with this proposal"

Steven Ullman, Traffic Engineer answered "yes it does".

Chris Smith stated that Brian Miller asked them to identify the number of proposed beds. He stated that there are 309 beds total in the proposed plan.

Commissioner Pat Cocchiarella stated that he still has concerns over the kitchen/dining facility and its adequacy to supply potentially almost 900 meals a day.

Robert Smith, Principal, Timberlake Investment Partners, V, LLC stated that as a regulation they have to provide three (3) meals a day, but not all people will use that service. He stated that many of the people will prepare their meals in their own kitchens.

Commissioner Pat Cocchiarella stated that still he was looking at the plans and the size of the kitchen and

it just doesn't look like it could make that many meals a day.

Robert Smith stated that the footprint for that common area is very big in general and they can always Expand.

Commissioner Pat Cocchiarella stated that if someone doesn't really need assisted living services, but would like a nice apartment, would they be able to rent one?

Robert Smith stated that the regulations and laws are more concerned with discriminating against ill people, so they are actually pushing to take people of lesser illness because they are worried about discriminating against people that are very ill. He noted that it is expensive and it requires being age 55 or older. He state that they do a physical exam, they document everything, determine what kind of care you need and it is all monitored every year.

Commissioner Pat Cocchiarella stated that basically anyone over age 55 could rent an apartment.

Chris Smith stated that he doesn't think anyone can necessarily be told "no", but he doesn't know why anyone would want to move into a living care facility any more than a nursing home.

Commissioner Pat Cocchiarella stated that maybe they need psychiatric care, not physical care.

Robert Smith stated that is covered under assisted living, it is cognitive care.

Chris Smith stated that could be and with regard to the kitchen facilities, the services have to be provided to qualify as a MRC and again, that is all regulated by the Department of Public Health. He commented that one of the nice things about this product is that people can live in their apartments, they don't have to be utilizing the facilities on a regular basis, not everyone has to go to lunch or dinner, they can cook in their own apartments. He explained that the options and services are there for them and can be provided to them in an MRC.

Commissioner Harold Cosgrove questioned the projected cost for rent.

Chris Smith stated that there is going to be a baseline rent and the different services do have to be provided automatically and there are maintenance services for the living units.

Robert Smith stated that this project won't be built for three (3) years so these are estimates. He stated that a baseline studio would probably start at \$2,500.00 and an average unit would probably be about \$4,000.00 a month.

Commissioner Pat Cocchiarella asked if that would include the basic MRC services.

Robert Smith stated that includes the rent and the fee for services.

Chris Smith also noted that it could go higher or lower depending on other services needed.

Commissioner Harold Cosgrove stated there is no pool.

Robert Smith stated that there is a pool.

Commissioner Tanya Carver stated that she has some questions that she would like to direct at Brian Miller. She explained Brian is saying that the maximum number of units is 1,000 and that number was based on 889 acres, it was reduced to 806 on the last application and that gave the town 21.9 acres of open space. She questioned if that would matter that they want 910 homes because now they are losing acreage.

Brian Miller clarified if Commissioner Carver was asking him to add up the percentage of open space.

Commissioner Tanya Carver stated that yes, and asked if that would matter and if they need to get more open space.

Brian Miller commented that he would have to look into that and get an answer.

Commissioner Tanya Carver stated that Oxford Greens is part of our regulations and one of the conditions is condition #2 which states that all conditions of the previously approved master conceptual plan and other approved plans for Oxford Greens shall remain in effect. She stated that it would be good if they continue on with the master conceptual plan. She also noted that one of the other conditions is condition #14 which is very specific and states that prior to commencement of any work on any additional phase, 60% of the existing work phase must be completed as stated in Article 5A, Section 6.5. (See Attachment F)

Commissioner Tanya Carver also noted a document dated 4/6/2006, she stated that she is not sure if it would apply to this application, but is important to note. She commented that it states that there is nothing in the language of the purpose or intent of the RGCD regulations that requires that all land within the area designated as the RGCD be owned by a single person or entity, nor that all residents within such district must have equal rights of access to any facility existing within the district. She commented that it also states that “in order to preserve the overall integrity of the project as previously approved and currently before this Commission, all residents within the district have the right to use all roadways and pedestrian access ways on the parcels within such district. She commented that this is a parcel within this district and she wanted to make sure that this was brought to everyone’s attention.

Brian Miller stated that he would review the 4/6/2006 document and answer Commissioner Carver’s questions.

Chairman Arnie Jensen asked the public if they had any comments.

COMMENTS & QUESTIONS FROM THE PUBLIC

Mike Fedak, 8 Stonebridge Road stated that he has lived here for 21 years and they didn’t sign up for this proposal when they bought their home. He commented that there will definitely be real estate impacts and that he didn’t hear anything about the well impacts it might have. He also questioned if there is a guarantee if there is impact to the wells. He stated that he doesn’t understand why they are changing this from Oxford Greens to Pine Hill, he thinks that if they are changing the name then there must be something else going on, because if there wasn’t then they would just call it Oxford Greens and not change the name. He explained that he thinks these are basically rental units and asked if this is a nursing home and if not, could they come back later and ask this to be a nursing home. He also voiced concerns about the emergency access onto Stonebridge Road becoming a permanent access.

Joe Geffert, 7 Stonebridge Road stated that he has lived here for 26 years and he is a big advocate of assisted living, but he doesn’t want this in his back yard. He commented that this is a big change from the original approval of 51 homes. He also commented that he doesn’t understand why you would put generators on the roof and the landscape perspectives are pretty clever. He stated that reading between the lines, we are kind of putting apartments in our backyards. He commented that he hopes the Commission will deny this application.

Ann Krane, 411 Mulligan Drive stated that she has visited many assisted living facilities and she is very interested in the facilities. She commented on the dining facilities and stated that it doesn’t make sense to have to go outside to get to a dining hall when you have an infirmity of some kind. She commented that she

doesn't understand how this qualifies as assisted living if you don't have every building self-contained to take care of the needs of all the people who have an infirmity of some kind. She also stated that Riggs Street is like a washboard right now and additional traffic is going to make it worse she would like to see it fixed. She also stated concerns that the Commission keeps approving these complexes with only one way in and one way out.

Chairman Arnie Jensen asked the applicant to answer the question regarding the impact on the wells.

David Golebiewski stated that he doesn't know exactly where the homeowner's well is and he would want that information before making a final statement, but he does not think that there will be any impact on the surrounding wells because they are only changing the grade from 8-10 feet.

Chairman Arnie Jensen asked the applicant to answer the question of this becoming a nursing home.

Robert Smith stated that the structure they are building here would have to be massively updated to become a nursing home and it is not something that he sees as probable, the Commission controls the answer to that more than he does.

Chris Smith referred the Commission to the permitted uses by Special Exception in Article 5A of the zoning regulations. He also stated that in order to change the access way on Stonebridge Road from only an emergency access would require a modification and Special Exception.

Chairman Jensen stated that only one (1) building has food services.

Chris Smith stated that he wants to remind everyone that there is a whole set of core services that have to be provided and the DPH decides that, not his client. He stated that if the DPH felt that any of these services weren't adequate then they couldn't be an MRC and they couldn't have an ALSA and they would be shut down by the state.

John Wicko stated that the facility is designed with the larger buildings being intended or more intense use, all the other buildings do have food service capabilities and every unit has a kitchen. He stated that the this facility adapts to individuals while supporting the demands of the licensing agency.

Robert Smith commented that this is like a restaurant service so the chef is there all day and residents can order what they want, it is not that everyone has their meals served at the same time. He also stated that the room can support a lot of people and not everyone will choose to use it because there are kitchens in each unit. He noted that if they needed to remodel the interior or make it bigger, they can also do that. He also stated that he is trying to get the Commission away from the nursing home concept, which they keep going back to. He explained that this is 55 and older by the regulation so you have vibrant people and not everyone will need the same level of service.

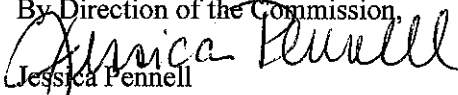
Chris Smith stated that the whole idea of this product, it is not something new, they didn't invent it, it is there to keep families together. He stated that there is a need for it in the community and in the country that is why Stan did the need analysis that was requested by the Commission when the applicant came to them informally. The Commission stated that the applicant had to demonstrate a need for this type of facility and that is what they did. He stated that his client wouldn't be here asking for permission if he didn't think there was a need for it and he has spent a lot of time and effort to do this. He explained that his client thinks there is a need for this and it is unique because it is separated from the other types of facilities like Gaylord Hospital or Masonicare. He commented it is not like those facilities, that is why it has two (2) bedrooms and they did count cars because there will be the spouse that drives.

Chris Smith concluded his presentation.


CONTINUE/CLOSE

MOTION BY Commissioner Tanya Carver to recess the Public Hearing to 2/7/2017 at 7:05 PM. Second by Commission Alternate John Kerwin. All Ayes.

By Direction of the Commission,


Jessica Pennell

Planning & Zoning Commission
Administrative Secretary

17 FEB 27 PM 12:50
TOWN OF OXFORD, CT

TOWN CLERK



Turner Miller Group

New England

planning consensus community

Land use, economic development, and environmental planning
Facilitating consensus among diverse constituents
Creating sustainable communities

received
1/17/17

via email 1/13/17

Memorandum

To: Oxford Planning and Zoning Commission
From: Brian J. Miller; Town Planning Consultant
Subject: Supplementary Comments: Application Z-16-222 – Oxford Greens – Proposed Assisted Living Facility
a. Special Exception Article 5A, Section 8.1, Article 5A, Section 9.1 and Article 10, Section 10.2
b. Site Plan Modification (of previously approved Conceptual Plan)
Date: January 13, 2017

I offer the following comments in supplement to those previously expressed, based upon the testimony and review of the following:

- Modification of Conceptual Development Plan Report, dated October 31, 2016, assembled by TPA Design Group.
- Market Analysis Proposed Assisted Living Complex; by Realty Concepts, dated November 4, 2016.
- Oxford Greens, Assisted Living Development 197 units; drawn by TPA Design Group, dated October 31, 2016

I offer the following for consideration by the Commission:

1. The proposed use is also permitted in the Residence A district, by Special Exception, with public water and sanitary sewer service. Therefore, the situation would be the same for this application if the zoning were Residence A.
2. The Statement of Use should be more specific in describing the actual uses planned for the development. The range and continuum of elder housing has evolved over the years, and what was perceived as an Assisted Living Facility ten years ago, may no longer be relevant. Therefore, the Statement of use should include the proposed number of beds, as for this use, it is a very relevant measure of the proposed impact of development.

Assisted Living is defined in the Market Analysis by Realty Concepts (Page 34). However, the Statement of Use should be specific as to what would apply to this property, and include specific information as to services and facilities provided, including medical services if any, transportation for residents, etc. How will it correspond with the "Life Style Continued" described on Page 46 of the Realty Concepts report?

3. If this application is approved, the Statement of Use, as approved by the Commission, should be within the Resolution of Approval.
4. The traffic report recommends regrading along the Riggs Street right-of-way to cut back the slope of along the east side of Riggs Street, just south of the proposed entrance. This should be a condition of approval.
5. Article 5A, Section 5A.3.1.F of the Oxford Zoning Regulations permits a maximum of 1,000 units within the Residential Golf Community District. The proposed Assisted Living Facility would increase the total number of units to 910, from the currently approved 781 units. (See chart below.)

**Number of Units by Phase – Oxford
Greens**

Phase	Currently Approved	Proposed
1	108	108
2	109	109
3	124	124
4	146	146
4 East	39	39
5	131	131
6	56	56
7	17	0
8	51	197
Total	781	910

6. Article 5A, Section 5A.8.1.C of the Oxford Zoning Regulations allows "Assisted Living Units" by Special Exception within the Residential Golf Community District. Article 10 Section 3 states that the Commission shall grant a special exception if it finds that in addition to all other pertinent Zoning Regulations the following conditions have been satisfied:

3.1 That the proposed use, buildings, or other structures will not be detrimental to the health, safety, welfare, and property values in the neighborhood.

3.2 That the proposed use, buildings, or other structures are adequate to carry the potential traffic and that provision is made for entering and leaving the site in such a manner that no traffic hazards will be created and that adequate off-street parking and loading facilities will be provided.

3.3 That the site will be suitably landscaped and that the design and setbacks of buildings and other structures are adequate to protect property and preserve the appearance and character of the neighborhood.

3.4 That the lot on which the use is to be established is of adequate dimensions to permit construction of the facilities and conduct of the use in such manner that it will not be detrimental to adjoining property and the neighborhood.



January 16, 2017

Mr. Arnold Jensen, Chairman
Planning and Zoning Commission
Town of Oxford
486 Oxford Road
Oxford, CT 06478

85 Willow Street
New Haven
Connecticut 06511
Tel 203/562-2181
Fax 203/787-7116
www.tpadesigngroup.com

**Re: Response to Engineering Comments
Oxford Greens – Assisted Living Development**

Dear Mr. Jensen:

We are pleased to provide the following responses to comments provided by James Galligan of Nafis and Young, Consulting Engineers, in his December 30, 2016 review of the Assisted Living Development at Oxford Greens.

- 1. Please identify the design speed for the radii in Donald Ross Drive and provide CT DOT criteria indicating conformance at each.*

We are considering Donald Ross Drive to be a Rural Local Road per CT DOT criteria. We have assumed a 20 mph travel speed, so the minimum allowable radius would be 120 feet. The minimum curve radius on the roadway is 153.12 feet with the exception of garage entrance drives and the final approach to the upper parking area. A 225-foot intersection sight distance has been assumed based on this design speed. Sheets SL-1 and SL-2 depict sight lines from building entrance driveways along Donald Ross Drive; the lines are drawn from a point 10 feet in from the curb to a point along the line of travel of an oncoming vehicle. The hatched zone depicted on the plan will be limited to low groundcover only. Planting beds will be excluded from these areas.

- 2. Please identify the overland flow velocities downstream of energy dissipaters for 2-yr, through 100-yr. storms.*

Please see attached table. All discharge points were evaluated at all storm levels and velocities were found to range from 0.5 feet per second to 1.52 feet per second. Velocities in this range are considered to be non-erosive for vegetated surfaces (less than four feet per second).

Humbert V. Sacco, Jr.
David S. Golebiewski

Oliver W. Gaffney
David A. Sacco
John V. Zyrzls, Jr.

3. *Please provide a Lighting Plan and Light Distribution diagram.*

As with previous phases at Oxford Greens, the street lighting will be provided by Eversource. Site plans showing proposed fixture locations and photometrics are attached.

4. *Please increase radii to building C, D & E to > 35 feet.*

The radii where the entrance drives to surface parking areas for Buildings D and E have been increased to 35 feet. The radii for driveways to underground parking areas have been increased to 25 feet since larger curves would conflict with a bridge abutment and the parking area driveways. Per a follow-up conversation with M. Galligan, the inside radius of the access drive to the Building C parking level has been left at 20 feet since a turning analysis showing that two large passenger vehicles (SUV) moving in opposite directions can successfully maneuver the driveway without conflict.

5. *Please complete "A.D.=" computation on vertical curves at station 2+00, 5+00, 17+00.*

The A.D. values have been added to Profile Sheets P-30 and P-31. The values are 1.00 at Station 2+00, 7.24 at Station 5+00 and -4.86 at Station 17+00.

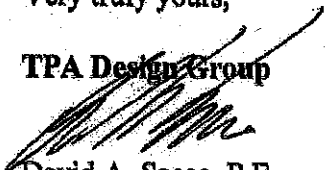
6. *The roadway grade in the area of station 20+00 change approximately 6% without a vertical curve. Please revise.*

We have added a vertical curve to the alignment at Station 20+00.

We hope that this information addresses the engineer's concerns regarding the proposed Assisted Living Development at Oxford Greens. Please do not hesitate to contact the undersigned if you have any questions or require any further information.

Very truly yours,

TPA Design Group


David A. Sacco, P.E.
Project Engineer

Enclosures
DS:ds

Location:

ASSISTED LIVING;

Scope:

Connecticut laws/regulations;

**OLR RESEARCH REPORT**

June 12, 2012

2012-R-0244

ASSISTED LIVING REGULATION

By: Nicole Dube, Associate Analyst

You asked how assisted living facilities are regulated in Connecticut and how many there are.

SUMMARY

Connecticut does not license assisted living facilities; instead, it licenses and regulates the "assisted living service agencies" (ALSAs) that provide assisted living services. Only a Department of Public Health (DPH)-licensed ALSA can provide assisted living services, and it can only do so at a managed residential community (MRC). An MRC must meet DPH regulatory requirements by providing certain "core services," such as housekeeping and laundry services, to its residents before it can engage an ALSA to provide services. An MRC can become a licensed ALSA or can contract with an existing ALSA to provide services. According to DPH, there are currently 90 licensed ALSAs in Connecticut. A list of these facilities is attached.

ASSISTED LIVING REGULATION

Assisted living residences primarily serve adults age 55 and older who need some health or nursing care or assistance with activities of daily living, including dressing, eating, bathing, and transferring from a bed to a chair, but not the skilled care a nursing home provides. Connecticut does not license these residences (often called assisted living facilities); instead, it licenses and regulates ALSAs. Only a DPH-licensed ALSA can provide assisted living services, and it can do so only at an MRC. DPH regulations govern ALSA services and specify requirements for MRCs (Conn. Agencies. Reg. § 19-13-D105).

MRC Requirements

An MRC must meet DPH regulatory requirements by providing certain "core services" to its residents before it can engage an ALSA to provide services. These services include:

1. three regularly scheduled meals per day;
2. regularly scheduled housekeeping, laundry service, and transportation for certain needs;
3. maintenance service for the living units;
4. social and recreational programs; and
5. 24-hour security and emergency call systems in each living unit.

An MRC must employ an on-site service coordinator who directly reports to the MRC's administrator. Among other responsibilities, the service coordinator must (1) help tenants arrange to meet all their personal needs and (2) establish collaborative relations with provider agencies and support services.

An MRC must also enter into a written residency agreement with each resident that contains, among other things, (1) an itemized list of assisted living and other services the MRC will provide and (2) a full disclosure of all charges, fees, expenses, and costs the resident is to pay.

An MRC can become a licensed ALSA or can contract with an existing ALSA to provide services at the MRC. It cannot provide health services such as medication administration or supervision, rehabilitation therapy, or nursing care to residents unless it is a licensed ALSA. It can contract with ALSAs, home health care agencies, or other licensed health care providers for these services.

ALSA Requirements

DPH regulations¹ require an ALSA to have bylaws and a governing authority, whose responsibilities must include policy and program development. The ALSA must have a designated office on the MRC site and establish written admissions criteria that do not impose unreasonable restrictions that screen out clients whose needs may be met by the agency. It must also establish a written complaint procedure and written policies for client discharges and the provision of services.

An ALSA can provide nursing and aide services directly, or it can contract with other organizations or individuals to provide these services. If it contracts for these services, the arrangements must be contained in a written contract or memorandum of understanding between the parties. An ALSA nurse or a contracted nurse is responsible for, among other things:

1. client admissions;
2. developing the client service program;
3. assessing clients as often as necessary based on the client's condition, but not less frequently than every 120 days, and acting promptly when a change in the client's conditions requires a change in his or her service program;
4. coordinating services with the client, family, and other appropriate individuals involved in the client's service program;
5. referring clients to appropriate professionals or agencies when necessary; and

6. implementing or delegating responsibility for nursing services on a 24-hour basis.

The ALSA must retain an assisted living supervisor who must be a registered nurse (RN) and whose responsibilities include coordinating and managing all nursing and assisted living aide services provided to clients. The ALSA must also designate an RN to be on call 24 hours a day.

Residents' Rights

DPH regulations specify ALSA clients' rights and responsibilities and require the ALSA to give each client notice of them. These include the right to:

1. a description of available services, charges, and billing;
2. participate in the planning of (or any changes in) the care to be furnished and to refuse recommended services;
3. have services provided by an individual or entity other than an ALSA;
4. make individual arrangements with an ALSA that does not have a formal contract with the MRC in which he or she resides; and
5. at any time, terminate or reduce the services an ALSA provides.

An MRC must also (1) inform each resident of his or her right to directly engage or contract with licensed health care providers to obtain needed health care services in his or her apartment or other space the MRC makes available and (2) arrange, at the resident's request and in conjunction with the ALSA, for ancillary medical services, including those of a home health agency.

ND:ro

Statement of Use

Proposed Assisted Living Development, Riggs Street.

Pine Hill at Oxford Greens is a 197 unit age restricted to 55 and over Managed Residential Community (as defined and regulated by the state of Connecticut) providing certain core services such as three regularly scheduled meals per day, regularly scheduled housekeeping, laundry service, transportation for certain needs, maintenance service for the living units, social and recreational programs, 24 hour security and emergency call systems in each living unit. Pine Hill will employ an on-site Service Coordinator who helps Residents arrange to meet all their personal needs and establish collaborative relations with provider agencies and support services. Pine Hill will provide assisted living services through a licensed Assisted Living Service Agency (as defined and regulated by the State of Connecticut) providing health or nursing care, assistance with activities of daily living including dressing, eating and bathing but not the skilled care a nursing home provides. In addition, Pine Hill will retain an Assisted Living Supervisor who is a Registered Nurse to coordinate and manage all nursing (24 hours a day) and assisted living aide services provided Residents.

Attachment D

Site plans shall meet both the specific development standards set forth in this article as well as the general standards applicable to all site plans as specified in these Regulations. Where there is a conflict, the provisions of this article shall govern.

5A.6.5 Sequencing Requirements

- A) Construction of dwelling units may occur concurrently in more than one phase upon the posting of a bond to be determined by the Planning and Zoning Commission to for each additional phase to ensure completion of all approved improvements within that phase.
- B) Prior to issuance of the 15th dwelling Certificate of Occupancy, construction work on the golf course must be commenced. Prior to the issuance of the 100th dwelling, Certificate of Occupancy, bulk grading of the golf course must be completed. Prior to issuance of the 150th dwelling Certificate of Occupancy, all eighteen holes of the golf course must be completed, fully seeded and ready to be played upon as soon as grass growth is adequate and an operating clubhouse shall be completed by the time golf play begins.
- C) Community building(s) sufficient to comply with Federal Regulations for Housing for Older People shall be provided.
- D) Roadway and golf course construction may be done at anytime.

5A.6.6 Security – The Commission shall have the right to require financial security to assure completion of site plan features as the Commission deems appropriate. The financial security shall be in an amount as determined by the Commission and shall be phased in accordance with the proposal. The Commission may adjust the amount of the security at the inception of each phase to account for changes and/or adjustments in the phase and construction costs. The form of the security shall be approved by Town Counsel and shall be automatically renewable except upon ninety (90) days written notice to the Town.

Section 5A.7 – Fees

In lieu of all fees contained in Appendix A of these Regulations, an application for a site plan approval under this Article shall have the following fees:

- **Application Fee:** \$250.00
- **Review and Project Administration Fee:** \$300 per unit up to 200 units, payable at the time of the application. If the site plan application is not approved, this fee shall be refunded to the applicant, less the cost to the Commission for legal, planning, engineering and other staff services directly related to the review of the site plan application \$200 per unit for units approved in excess of 200 units, payable at the time of and as a condition of the approval of the Conceptual Development Plan. This fee is **NON-REFUNDABLE**.