

Meeting of the Planning Board  
April 21, 2020 – Town Hall

Present: Members Coons, Delisio, Fish, Foley, Mastrogiacomo, Olney, Russell

Absent:

Other Staff, Board, Committee members Present: S. Mellish (ZBA), Ginny Thompson (Assessor), S. Brown (Town Planner), Mark Bobrowski (Consultant)

Chair Mastrogiacomo called the meeting to order at 4:30 p.m., noted that the meeting would end at 6 PM and introduced Mr. Bobrowski to lead the review.

Mr. Bobrowski noted that the goal of the meeting is to consider and agree on changes to Section 8.0 Special Housing

The discussion began with Section 8.1 Accessory Dwelling Units (ADU)

Board Members brought up a number of issues to consider:

- A definition for an Accessory Dwelling Unit is needed
- Is the requirement of an “oven” adequate for determining whether a unit is considered to have a permanent cooking facility? If this is a state building code, can it be changed?
- Concern that accessory buildings without ovens are being created and rented as ADUs.
- Septic considerations also need to be met with added bedrooms.
- Should accessory buildings be allowed to be converted to ADUs by right or by special permit and under what conditions?
- Should an ADU be required to be registered or re-permitted after so many years, or on the sale of a property?
- Garage conversions that reduce parking spaces below required number must add additional spaces.
- The point of changes to the ADU Bylaw is to make rental units easier to develop. ADUs allow more people to live in existing structures reducing the need for more buildings and helping retain neighborhood character. They are typically less expensive than renting a single-family home or purchasing a home.
- ADUs would not typically contribute to the town’s target of 10% affordable/subsidized units. For ADUs to count on the Subsidized Housing Inventory, they would need to be deed restricted, be marketed through a fair housing process, and be rented by an income eligible household.
- How can the bylaw protect against summer only rentals?
- Requirements for an ADU from other communities have included retaining characteristics of a single-family home, side entrance and parking.
- Is it fair to abutters to live next to a SF home with an ADU? Is a SF with an ADU a two family? Is a two-family a bad thing? Are ADUs detrimental to a neighborhood that is predominantly single family?

It was noted that a Citizens Group has been working on proposed changes to the ADU Bylaw, had presented their findings and ideas previously to the Planning Board and had agreed to

consider the Board's input and bring a proposed bylaw back to the Board. They suggested that the Board table further discussion on the ADU Bylaw and allow the Citizen's Group to present a draft Bylaw for consideration.

One Board member shared the opinion that the Citizens Bylaw initiative was outside the scope of the Recodification Project.

Several members stated support for considering changes recommended by the Citizens Group within the current Recodification and Update initiative, noting that the scope includes updating the bylaw as well as reorganizing it.

Attorney Bobrowski noted that Nantucket and Edgartown may offer lessons on ADU regulations.

Chair Mastrogiacomo noted the time and moved the discussion to other sections within 8.0.

Attorney Bobrowski provided a brief description of and recommendations for Sections 8.2-8.6

Section 8.2 – Bobrowski noted the lack of use and potential use for this Bylaw that permits developments on 50 or more acres in Res C and E and recommended deleting entirely.

Section 8.3 – Discussed changing the name from Flexible Development to Residential Conservation Cluster noting that it can replace the existing RCC that has elements that are illegal and serve as the single bylaw to permit cluster type development in place of the three bylaws that currently exist for that purpose.

The Inclusionary Zoning element of the bylaw within 8.3 would be legal because it would be the applicant's choice to use a special permit and not a requirement. As written 8.3 also allows the Board to provide a bonus for affordability. Discussions points included:

- Retention of the existing Inclusionary Zoning Bylaw that Bobrowski has advised is illegal vs updating to legal framework
- What is the smallest number of units that might be advisable for triggering the requirement for an Affordable Unit or for payment in lieu of an affordable unit – three was suggested as possible – given zoning allows a two family by right in certain districts.

Other discussion points of the proposed section 8.3

- How was the Open Space requirement and minimum lot size of 8.3 determined?
- Reducing required criteria provides an incentive for applicants to use Special Permit process for development. The Special Permit allows the Board to guide development and create more site appropriate projects.
- Members should compare requirements that exist with requirements that are proposed and consider if they are changed too much.
- Would it be better to compare what we want for development with what we have and determine if the criteria would help us get what we want?

- Is a minimum lot size of 5 acres too small? The 5-acre lot size already exists as a minimum in all districts except LCD under 6.13.
- Should cluster developments not be allowed in certain districts? They are currently allowed. The alternative to a clustered development by special permit is a conventional sub-division that is allowed by right.
- Concern regarding cluster type development close to a single family.
- The Special Permit process is intended to encourage better design, not more houses. The preservation of open space and the character of development are primary considerations.

Chair Mastrogiacomo noted discussion of remaining sections would have to be pushed to the next meeting.

Bobrowski summarized changes to Section 8.

- Section 8.1 - will consider suggested revisions
- Section 8.2 – will remove
- Section 8.3 – will change name to Residential Conservation Cluster; Board should review elements and criteria
- Section 8.4 – will remove
- Section 8.5 – Board should review
- Section 8.6 – Board should review, Bobrowski recommends removal

The meeting was adjourned at 6:05 PM.

Meeting minutes prepared by Sue Brown

Approved by Planning Board 5/11/2020