Implementation of PA 21-29 Subcommittee

Meeting Minutes

April 26, 2023

3:00 p.m. Main Level Meeting Roo.m

ZONING MEMBERS PRESENT: Mrs. Hill, Mr. Solley, Mr. White HOUSING MEMBERS PRESENT: Mrs. Gorra, Mr. Woodroofe MEMBERS ABSENT: Mrs. Andersen, Mr. Wright ALSO PRESENT: M. Gorra, J. Kelly, C. Charles

Mr. Solley called the meeting to order at approx. 3:05 p.m.

The 3/31/23 study, “Housing Conditions,” by Mr. Matthews, presented to the Housing Commission at its 4/23/23 meeting, was reviewed and discussed. This study showed the rise in monthly residential rents and sales prices over the last five years as well as the general decrease in the number of available units both for rent and on the market during the same years. It was the consensus that there is currently a shortage of both the number of houses and condos for sale and for rent in Washington and the general area, that rents and sales prices have risen steadily to the point where they are no longer affordable, and that given factors such as price of land, interest rates, construction costs, zoning regulations, changes in Building Code standards, etc. it is unlikely there will be a rush to develop Multifamily Housing (MFH) in Washington when the MFH regulations are adopted.

The subcommittee members discussed the unresolved issues listed in the updated document dated 4/23/23 by Mrs. Hill, who noted her concern about how long it was taking to come to a consensus on these matters and that Mrs. Andersen was not present to contribute to the discussion.

Should there be a 10% Affordable per 8-30g requirement for all MFH developments as is included in Draft #5, some variation of that language, a density bonus for Affordable units, etc.? Mrs. Hill explained that without a minimum 10% requirement, as MFH units were constructed it would become increasingly difficult for the Town to reach 8-30g’s goal of 10% Affordable units, but that inclusion of a 10% requirement might decrease profits, especially for smaller developments, and discourage developers. It was noted the reference to 8-30g was for the definition of Affordable and not for the process of applying for MFH and that this should be clarified in the draft. Mrs. Gorra and Mr. White asked how a 10% requirement would be applied for projects having less than 10 units. Mrs. Gorra noted that an administrator such as the Washington Community Housing Trust would have to be willing to oversee the Affordable units and Mr. Charles said an Affordability Plan would be required for all Affordable units. Mrs. Hill said she hoped the MFH regulations would lead to some smaller sized family proposals and she was concerned that homeowners would find oversight by the WCHT to be burdensome. It was the consensus that 1) Affordable should be defined without reference to 8-30g and 2) existing houses and their accessory structures could be converted to MFH and not subject to the 10% Affordable requirement.

Should The Green Zoning District and The Green Historic District be subject to the MFH regulations? This question had been referred to the Historic District Commission who had responded that it was not necessary to prohibit MFH in The Green districts. Mr. White pointed out that MFH already exists in some structures within The Green without any negative impacts and Mrs. Hill noted that any new MFH proposed for these districts would require an Historic District Commission certificate of appropriateness as well as a Zoning permit. It was the consensus to allow MFH in The Green districts.

Should references to requirements of other departments be included in the MFH regulations? These had been included in previous drafts, but were condensed in draft #5 because Atty. Zizka advised they were not necessary. The question to be decided was whether to return to the original language, keep the condensed version, or delete draft section 13.12.5.C altogether. Mr. Solley thought there should be a checklist on the application form so applicants would be aware they also need approvals from other departments. It was the consensus to retain the condensed language in 13.12.5.C.

Does the current language in Section 2.3.3.C prohibiting mobile homes or mobile home parks conflict with PA 21-29 and if so, what revisions would be required? After a brief discussion, it was the consensus not to investigate this matter unless the Commission learns there is a problem with the existing regulation.

Should all MFH applications require a special permit or under limited circumstances, should some be by right requiring site plan review by the Commission? Although discussed many times, the subcommittee members had not yet come to an agreement on this matter. Mrs. Hill referred to her 3/24/23 “Standards Comparison: Existing 13.1.C vs Proposed 13.12,” which found the proposed MFH standards were comparable to the current special permit standards. Noting the main argument for applying for all MFH by special permit was the public hearing requirement, she asked the subcommittee to consider the compromise language she had drafted for Section 13.12.4, which proposes that during site plan review by the Commission public comment “shall” be received. Mr. White and Mr. Woodroofe supported the compromise language. The circumstances under which MFH applications would require site plan approval by the Commission were considered. Draft #5 specified special permits would not be required for 6 or less MFH units within a single building in the commercial districts and for 4 or less units within a single building set back at least 100 feet from the front property line so it would not be visible from the road in the residential district. It was the consensus to retain this language for the commercial districts, but revise it for the residential district to 1) decrease the setback to 75 feet, 2) delete the requirement that the MFH not be visible from the road, and 3) exempt MFH proposed within existing structures from the 75 ft. setback requirement. Mrs. Gorra supported the revisions that would make it easier to apply for MFH. Mr. Solley referred to the large front yard setbacks, which contribute to the appearance of both the Bee Brook and Quarry Ridge condo developments noting he was concerned about decreasing the 100 ft. setback requirement. Mrs. Hill noted in this case the 100 ft setback was being considered only as a factor for when a special permit would be required and general setback requirements would be discussed and determined later when Section 13.12.11 was discussed.

Should two detached accessory apartments per property be permitted? The current draft would permit one attached and one detached accessory apartment or two attached accessory apartments per property. It was generally agreed that accessory apartments were not attracting families to Town and that the Commission would not consider two detached apartments per property at this time.

Should the MFH regulations grant a density bonus for energy efficient units? Mr. Charles stated the state building code would be updated in two years and would include energy efficiency requirements. It was the consensus to table consideration until that time.

Should a maximum square footage be set for MFH buildings? Mr. Solley thought it better to have the regulation limit the number of MFH units permitted and the developer could then decide on the number and size of the buildings in which they would be located. When asked whether single family MFH units would be permitted, Mr. Solley thought it would be inefficient for developers. It was the consensus not to limit the size of MFH buildings because 1) Section 13.12.6.C requires architecture that is harmonious in appearance with the existing style, scale, and proportion to be compatible with the surrounding neighborhood, which could limit the size of proposed buildings and 2) buildings could be screened from view.

Should underground utilities be required? At a previous meeting Mr. Hileman had been concerned that for small scale MFH developments, especially when the existing utility poles were located on the opposite side of the street, the installation of underground utilities could be very expensive. It was the consensus to give the Commission the right to waive this requirement when appropriate.

Should the Commission have the authority to grant other waivers of specific MFH regulations? Mr. Solley noted that Atty. Zizka does not favor the granting of waivers. It was the consensus not to grant the Commission the authority to waive the MFH regs.

Should Section 13.10 be revised to allow the conversion of older homes built prior to 1984 or all homes no matter what the construction date? Mrs. Gorra favored the elimination of the date to allow any home to be converted to smaller dwelling units. It was the consensus to eliminate the current 1950 date.

Mr. Woodroofe asked if owned units vs rental units and whether there should be different regulations to govern each should be added to the list of issues to be resolved. Mrs. Hill explained that owned and rented units may not be treated differently.

The next subcommittee meeting was scheduled for Wednesday, May 17 at 3:00 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill