Implementation of PA 21-29 Subcommittee

Minutes

May 17, 2023

3:00 p.m. Main Level Meeting Room

ZONING MEMBERS PRESENT: Mrs. Andersen, Mrs. Hill, Mr. Solley HOUSING MEMBERS PRESENT: Mrs. Gorra, Mr. Wright, Mr. Woodroofe MEMBERS ABSENT: Mr. White ALSO PRESENT: Mr. Charles, Mr. Solomon

Mr. Solley called the meeting to order at approx. 3:10 p.m.

Discussion was based on draft #6 of the proposed Multifamily Housing regulations. Mrs. Hill noted that in Section 13.12.5.D she had not redefined “Affordable” without reference to state statute 8-30g as had been requested at the last meeting because she thought it was clear the language citing the affordability criteria of 8-30g did not refer to or include the procedures specified in 8-30g. Mr. Woodroofe agreed. Mrs. Hill recommended that if the subcommittee still thought a new definition was required, that this be referred to Atty. Zizka for the revised language. Mr. Solley agreed Atty. Zizka would be the best person to craft this definition if needed.

Mrs. Andersen thought the proposed reference to Affordable housing per 8-30g was confusing as the purpose of PA 21-29 was to provide general affordable housing opportunities. Mrs. Hill explained the Affordable requirement had been included in the draft so the Town would not lose ground in reaching the state’s 10% Affordable housing goal. Mrs. Andersen did not think it was necessary to tie everyone’s hands with the 10% Affordable units per 8-30g requirement as this was not the intent of the legislature. Mr. Solley agreed the MFH regs should not be too complicated, but saw the 10% Affordable requirement could prevent the Town from falling farther behind the state’s 10% goal. Mr. Andersen noted if Affordable units are built, an administrator would be required.

Mrs. Andersen noted two issues she thought had not yet been addressed; subdivisions and rental units vs ownership. Saying that condos automatically divide property into ownership, she asked what would stop a landowner from making condo units. Mrs. Hill noted subdivisions were under the Planning Commission’s jurisdiction. Mr. Solley noted condos could be rented or owned and if owned, usually the unit was owned, but not the land. Mr. Andersen stated that if you own a townhouse, you own the land underneath. She added that she would like to see provisions for subdivisions to satisfy the needs of the workforce. Mr. Solley explained that the subdivision of land into building lots for single family dwellings is not included in the MFH regulations. Mrs. Hill read a portion of proposed Section 13.12.2, which states the MFH regulations provide for both rental apartments and condominium units.

Mrs. Andersen asked what regulation had permitted the construction of Quarry Ridge that she thought was a good example of appropriate MFH. Mr. Solley noted there had previously been a multifamily zone along Rt. 202, which had been deleted after the approval of 210+/- multifamily units in Town.

Mrs. Andersen thought special permits were so important they should be required for all MFH so that all issues can be addressed. She said Zoning must protect the state’s charge for MFH and provide housing opportunities for the workforce and for older residents and that the Commission site plan review process would not do this. She also argued that if detached accessory apartments require special permits, in fairness to property owners, all MFH should, too.

Mrs. Andersen brought up the issue of equity. She again said it would not be fair to approve detached accessory apartments by special permit, but allow Commission site plan review for more extensive MFH proposals. She also said controls were needed to prevent very expensive condo units, which would be contrary to the goal of PA 21-29; another reason to require special permits for all MFH applications. Plus, she said to keep prices down and increase the supply of affordable housing, subdivisions should be included in the MFH regulations. While PA 21-29 is most concerned with providing for affordable housing units, Mrs. Hill noted it also addresses housing diversity, which could be expensive condo units for older wealthy residents who want to downsize.

Mr. Wright noted those who want to supply Affordable Housing can do so per 8-30g. He thought the current language in Section 13.10 to prevent the conversion of homes built after 1950 was a problem. Mrs. Hill noted that the 1950 restriction had been eliminated in draft #6.

Issues still to be resolved were considered:

13.12.11: 100 ft. front yard setback requirement for the R-1 District: Mr. Solley noted existing MFH projects such as the Roxbury Senior Housing and Quarry Ridge are adequately buffered from the road with setbacks larger than 100 ft. and said he favored retaining this requirement. He noted the planting plan within the setback was an important factor. It was noted MFH proposed within existing buildings was exempt from the 100 ft. setback requirement. Setbacks were generally discussed but no changes were proposed.

13.12.10.B and 13.12.11.B: Maximum lot coverage: No decisions were made regarding lot coverage.

13.12.10.C and 13.12.11.C: Maximum density permitted: It was noted that based on the provisions of Section 11, soil based zoning, draft #6 proposed a multiplier of 6 in the business districts and 3 in the residential districts. Mr. Solley noted the multifamily zone that had existed in the 1980’s had used a multiplier of 3. Multipliers of 6 and 3 were agreed upon.

The question of whether to allow some MFH applications by right with a site plan review by the Commission required or to require special permits for all MFH applications was discussed again. Mr. Solley reviewed the circumstances per Section 13.12.4 when a MFH application would be by right with site plan review by the Commission required. He noted that the Commission had the discretion to schedule a public hearing for a by right MFH project when it thought it was appropriate. The compromise language in draft #6, which stated the Commission “shall” receive public comment for by right MFH applications was noted.

Mr. Solomon stated that a limitation on building size in MFH projects was needed. He did not think four 8000 sq. ft. units in a single building would be appropriate. He stated the purpose of PA 21-29 was not to allow large luxury condos that don’t go through the special permit process and therefore, he stressed that a stringent building size limitation should be set, especially for by right applications. Mrs. Anderson said this was an example of why special permits should be required for all MFH applications; that the appropriateness of the project in the neighborhood must be considered and neighborhood residents should be involved in the review process. She noted the special permit notification requirements would alert property owners about applications in their area. Mr. Charles reviewed the size of the units in Bee Brook and Quarry Ridge. Mr. Solley favored leaving the size of proposed units up to the developer. Mr. Charles brought up the issue of comparability, saying the state had not intended to allow many 3000 sq. ft. units and one 8000 sq. ft. unit within the same building. Mrs. Hill did not think PA 21-29 included a comparability requirement.

Mr. Solley explained the Zoning Commission’s duty is to provide for MFH so a developer does not have to go to court to build this type of housing, adding how affordable the MFH will be was not specified in PA 21-29, but considering Washington, whatever is built won’t be affordable for most people. Mr. Charles countered that he had understood the goal of PA 21-29 was to create affordable and “missing middle” housing.

Mr. Solomon again stated that building size has an impact on the neighborhood and so by right MFH projects should not include huge buildings. He noted he was a strong advocate for neighbors’ rights. Mrs. Andersen again spoke in favor of special permits for all MFH to protect the Town.

Mrs. Andersen asked why Zoning wasn’t allowing subdivisions. Mr. Solley noted subdivisions had been allowed in Town since 1955. Mrs. Andersen said the Commission was doing nothing to prevent the construction of $3,000,000 houses in favor of $300,000 single family dwellings.

Mr. Solomon said building size limitation impacts affordability. He said neighborhoods had to be respected and added that he did not trust developers to do so.

Having already heard from Mrs. Andersen, each subcommittee member gave his/her opinion regarding site plan review by the Commission for by right MFH vs special permits for all MFH: (Mr. Charles and Mr. Solomon, who do not serve on the subcommittee expressed their opinions that the special permit process is safer, you can’t trust that developers will adhere to Town norms, and that limitations on number of stories and sq. footage should be required.) Mrs. Gorra: She said she had been against special permits for all MFH, but upon hearing Mrs. Andersen’s points, she now thought it might sometimes be appropriate. Mr. Woodroofe: He still supported site plan review by the Commission for by right MFH, noting that this was in keeping with the scheme of Washington’s government. Mr. Wright: He noted there was tasteful large construction existing in Town so this was a tough call. Regarding the conversion of dwellings, he did not think this would be cost effective unless at least three units resulted. Mr. Solley: He noted that Atty. Zizka found the court looks more favorably on by right MFH, but the special permit process had served Washington well. Mrs. Hill: She supported designating some smaller MFH developments by right, noted there were controlling standards proposed such as a preliminary discussion requirement for all MFH, there were many design, landscaping, and development standards that apply to all MFH whether by right or by special permit, and that in the hope that smaller scale MFH of a suitable scale for Washington would be proposed and to encourage families to use the MFH regs, she favored site plan review by the Commission so the process would not be so overwhelming for the smaller MFH projects specified in draft #6.

Mrs. Hill had hoped there would be a consensus document by now so that it could be sent to the Zoning Commission for review and comment. She asked how the subcommittee wanted to proceed. It was noted she had written a comparison of the special permit standards in Section 13.1.C to those MFH standards proposed throughout Section 13.12 and she was asked to again send this document to the subcommittee.

Speaking in support of special permits for all MFH, Mrs. Andersen said there was no “wiggle room” in the special permit standards, special permits allowed for a more systematic review that would be more supervised and known to all, and would provide for more public involvement.

The next meeting was scheduled for Wednesday, May 31 at 3:00 p.m. The meeting was adjourned at approximately 5:00 p.m.

FILED SUBJECT TO APPROVAL

By Janet M. Hill