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Town of North Reading
Massachusetts

Community Planning

MINUTES

Tuesday, January 18, 2022

Mr. Warren Pearce, Chairperson called the Tuesday, January 18, 2022 meeting of the Community Planning Commission to order at 7:30p.m. via Virtual Meeting (Zoom, participants may call 1-929-205-6099, meeting code 985 430 0926).

MEMBERS

PRESENT:

Warren Pearce, Chairperson
Christopher Hayden, Vice Chairperson
Jeremiah Johnston
David Rudloff

STAFF

PRESENT:

Danielle McKnight, AICP
Town Planner/Community Planning Administrator
Debra Savarese, Administrative Assistant

Mr. Pearce informed all present that the meeting is being recorded.

Accessory Dwelling Units bylaw – discussion

Mr. Pearce stated that Gerry Noel, Building Inspector came to the CPC asking them to create a bylaw for ADUs, to help him get some control over people putting them in illegally. So, they need to decide what their intention is.

Mr. Hayden stated that providing some low cost housing for people who need it, which would be the parents of residents of town, or the children moving back and the parents moving into something smaller on the property, is a good thing. He likes the idea of doing both, they just have to craft a properly worded bylaw. The suggestion of a single meter on the house helps.

Mr. Pearce stated that he agrees that they need to combine these two things, but it brings up some very specific problems. For example: Whether they are going to limit it to family which they have done. They have to accept the fact that once that door is open, they're not going to close it again. They took the Town of Reading bylaw and made it more restrictive, as best they could and it's never going to be perfect.

Mr. Rudloff stated that he thought their intent on this bylaw was to help Mr. Noel. Mr. Noel indicated a couple of times that there's nothing that limits people in the amount of kitchens that can be put into a home. Mr. Carroll also interpreted the same thing from what Mr. Noel said. The 2018 survey showed 211 people want ADUs, but there's 15,000 residents in town and he is just trying to be balanced about what they would want. He does think that it can be done with apartments, but he thinks this draft leaves the door open for detached ADUs

Mr. Pearce stated that the building inspector would like to see it be by-right, not a Special Permit

Mr. Rudloff stated that if they could do that, a building permit would need to be given and then the building inspector is aware of every house that has multiple kitchens. Mr. Noel is very strict and does a great job, but how is drafting this bylaw going to change any of this.

Mr. Pearce stated that they have to start somewhere. They need to put together a bylaw that they can sell because if it doesn't pass at town meeting, it's not happening.

Mr. Rudloff stated that they could put the litmus test to every point, and these are in the Massachusetts ones, but are any of them enforceable.

Mr. Pearce stated that the most important thing is to make the law palatable. If building permits are pulled then they will know who has them and where they are.

Mr. Rudloff stated that they can't have it both ways.

Mr. Pearce stated that they don't want detached ADUs.

Mrs. McKnight stated that she tried to scrub all references to detached and then realized she missed one in the last draft.

Mr. Pearce stated that they're all in agreement on the fact that making this a simple permitting process will encourage people to let them know what's going on. The second one would be to try to make it a requirement that it should be a family member that resides in the ADU.

Mr. Rudloff stated that they definitely have work to do on this bylaw because it contradicts who will be the granting authority.

Mr. Pearce stated that those are points that they can just pick at. They don't affect the bylaw, as far as the approving authority.

Mr. Rudloff stated that they are important to him because he is dead set against the detached.

Mr. Pearce stated that the building inspector is looking at ADUs all the time, but the problem is that they fail to properly permit because the town doesn't allow them. So, by making it an allowed use with conditions means that people will properly permit.

Mr. Rudloff stated that that survey is the only metrics he has as a direct question to the residents of the town.

Mr. Pearce stated that the problem is that it did not eliminate the possibility of detached.

Mrs. McKnight stated that she did try to eliminate everything that she thought there was a consensus on. In her memo she was trying to express what she heard at the last meeting, and that was that they're at opposite ends of the spectrum, to some degree.

Mr. Pearce stated that they do not want detached ADUs, but do they want it to be by special permit or by-right.

Mr. Hayden stated that he would prefer special permit because they would be able to review everything.

Mr. Johnston stated that he is leaning towards by-right, but with the understanding that they still have to meet all of the requirements.

Mr. Rudloff stated that he believes that Mr. Noel's opinion is that he would prefer it be a special permit. He also thinks that's why the special permit makes a lot of sense, and prefers that the CPC be the granting authority.

Mr. Pearce stated that his reason for by-right is if they make it a special permit and go through the whole process, it's appealable to the ZBA which he supposes the building inspector's decision would be also. If they make it a by-right with some very specific set of conditions that allow by-right, it's essentially, doing the same thing as a special permit.

Mr. Hayden stated that he thought the special permit would allow public input. If it's a by-right, it becomes a building permit and if they don't catch the building permit within 30 days, it's a done deal. The CPC has a better handle on knowing all the things that are needed to build and support a house. A special permit could be done at one meeting and the neighbors get to input their concerns.

Mr. Pearce stated that his concern is that people will be doing something inside their existing home and we're letting the neighbors tell them what they can and can't do.

Mr. Rudloff asked Mr. Pearce how he came to that assumption from doing a special permit.

Mr. Pearce stated that if the bylaw requires no detached buildings, then what is being done has to happen within the existing dwelling.

Mr. Rudloff stated that this allows additions by-right. He doesn't think it's a bad thing to let the neighbors know what is being done.

Mr. Pearce stated that you can do additions, regardless. But, they have to meet the zoning requirements.

Mr. Johnston stated that this is already so restricted. If there's rules on parking, meters, setbacks, septic and now limiting to one bedroom, and he has to ask his neighbors for permission, why is he a property owner.

Mr. Rudloff stated that the residents have input, but the CPC makes the final decision.

Mr. Johnston stated that he doesn't like the idea that if he needs or wants to create housing for his in-laws, he has to suddenly go around asking permission.

Mr. Rudloff stated that there's nothing stopping it from happening, now.

Mr. Johnston stated if we want to keep families safe they can sign up for the Community Connect and let them know how many people are living in the home.

Mr. Pearce stated that Mr. Noel's request in the beginning was to make it possible for people to do this within a level of legality, without fear. The other one was to provide some housing for in-laws to try to keep family units together. He doesn't think that doing nothing is a great answer, so, if they're willing to let those concerns go, then they can just forget about this ADU bylaw and move on.

Mr. Hayden stated he has been swayed a little bit more to the by-right, instead of coming in for a special permit. He thought there would be some oversight of how they were put in, and where they were put in. But, if they're saying that it has to be part of the existing home a detached cannot be built.

Mr. Pearce stated that they can't violate the setbacks, unless they go to the ZBA to get permission, and that's when the neighbors would get involved.

Mr. Hayden stated that they also would not be able to give them a special permit if the setbacks are violated and they would have to go to the ZBA for a variance.

Mr. Pearce stated that if the neighbors don't like where an addition is going, but it meets the zoning bylaws and setbacks, Mr. Noel is going to give them the building permit no matter what the neighbors say, and the CPC wouldn't be involved because it would be totally legal.

Mr. Hayden stated that Mrs. McKnight should take out all of the red-lines and just give them a clean draft.

Mrs. McKnight stated that number 4 is actually part of the model bylaw for Massachusetts and the reason that's in there is so that they know it's owner occupied and not being rented out to third parties.

Mr. Pearce stated that if they've decided to make this a by-right, they have to do is decide what the rules would be.

Mrs. McKnight stated that the bylaw does show that a parking space is needed for the in-law apartment. Do they still want to keep that in or take it out?

Mr. Pearce stated that he thinks it would be a good idea to have at least one parking spot designated for the ADU.

Mr. Johnston stated that he thinks that it would be tied to the number of bedrooms.

Mr. Pearce asked if they want to limit the ADU to one bedroom.

Mr. Johnston stated that if they acknowledge the parking and the septic do they need to stipulate the rooms.

Mr. Pearce asked if the Town of Reading Zoning Bylaw limits the number of bedrooms.

Mrs. McKnight stated that she doesn't know about the Town of Reading. She was working more with the Town of Needham bylaw and the State model bylaw.

Mr. Hayden stated that not all the septic systems may be able to handle two extra bedrooms.

Mr. Pearce stated that when a bedroom is added to an existing situation they cannot get variances, it has to be full compliance. Full compliance means that they have to have enough room to put the new system in to handle all the bedrooms. In addition, there must be a reserve area of equal size that's been tested and approved. So, that takes up a lot real estate when you start to get into four or five bedrooms, so more than likely they are only going to be single bedroom ADUs.

Mrs. McKnight stated that the Town of Reading bylaw limits to two bedrooms and the Town of Needham bylaw limits to one bedroom.

Crestview Estates / 39 Chestnut St & 9 Flint St – Definitive Subdivision – cont. P.H. 8:00PM

Mr. Hayden moved, seconded by Mr. Rudloff and voted 4-0: (Mr. Carroll absent)

that the Community Planning Commission vote to grant the requested extension of time in which to render a decision on the Crestview Estates subdivision (39 Chestnut St. & 9 Flint St. until March 1, 2022 and to continue the public hearing to February 15, 2022 @ 8:00PM.

Mr. Pearce asked for a roll call vote: Mr. Johnston, Mr. Rudloff, Mr. Hayden and Mr. Pearce in favor, none opposed.

Accessory Dwelling Units bylaw – discussion cont.

Mr. Hayden stated that no more than two bedrooms should be allowed.

Mr. Rudloff stated that he does not have an opinion on it.

Mr. Johnston stated that if they can get two bedrooms by meeting all of the requirements he would be in agreement with that.

Mr. Hayden stated that 900 sq. ft. is enough to allow for two bedrooms, a living room and a kitchen.

Mr. Pearce stated that he is also ok with two bedrooms and letting the situation decide.

The consensus of the commission is that the 900 sq. ft. is the limit.

Mr. Rudloff stated that in the definitions it says that the attached can be within 5' of the primary residence, so if we're allowing using the definitions we technically could have a detached ADU.

Mrs. McKnight stated that the Mr. Noel noticed that definition which was also from the Mass. model bylaw and he doesn't think that that belonged in there and it will be removed.

Mr. Pearce stated that if any of the members' think of anything that they might want included in the bylaw they should contact Mrs. McKnight and she can bring it to the board.

Mr. Rich Wallner of the Select Board stated that he just did some reading about Airbnb who restrict people from renting out their units for a weekend.

Mrs. McKnight stated that she and the Mr. Noel talked about the language restricting short term rental use and she'll put it into the draft.

Mr. Vincenzo Stuto asked if they should be restricting all rental, not just short term.

Mr. Pearce stated that they would need to contact Town Counsel about that.

Mrs. McKnight stated that she will check with Town Counsel, but usually restricting renting versus owning that type of restriction and tenancy is not allowed in zoning.

Mr. Johnston stated that short term makes total sense, but they've got to think about this in practicality. If somebody is going to be developing one of these on their property and meeting all these rules and it's going to be a family member there's going to be some quid pro quo within the family to finance things, and that is rent and he would be very uncomfortable trying to limit that.

Mr. Pearce stated that they're going to leave it as family members only and let them work out the finances.

Mr. Stuto stated that once the CPC decides on something and then there's a discussion with the Select Board, he can tell them that the answer is going to have to be a lot better than the lawyer saying that they can't do that. In his opinion, from what he has seen in meetings when it's come to something like this is that it's going to go down at town meeting.

Mr. Pearce stated that he would then refer to the other town bylaws.

Mr. Wallner stated that he has been very public about this and he thinks that ADUs are very important for the town and also to make it more palatable for people in town, who already have built these ADUs

Minutes

Mr. Hayden moved, seconded by Mr. Rudloff Hayden and voted 4-0: (Mr. Carroll absent)

that the Community Planning Commission vote to accept the minutes dated December 21, 2021 as written.

Mr. Pearce asked for a roll call vote: Mr. Johnston, Mr. Rudloff, Mr. Hayden and Mr. Pearce in favor, none opposed.

Mr. Hayden moved, seconded by Mr. Rudloff and voted 4-0: (Mr. Carroll absent)

that the Community Planning Commission vote to accept the minutes dated January 4, 2022 as written.

Mr. Pearce asked for a roll call vote: Mr. Johnston, Mr. Rudloff, Mr. Hayden and Mr. Pearce in favor, none opposed.

Planning Administrator Update

20 Elm Street

Mrs. McKnight has been spending a fair amount of time working on the town's response for the 20 Elm Street hearing and she's the town's one witness. That hearing was supposed to happen this week, but it was postponed and she doesn't know until when, but she'll let the board know. Apparently, it's going to be live broadcast and everyone can watch.

Shay Lane subdivision

Mrs. McKnight stated that she has heard from some of the neighbors who live on Nutter Road that there were some issues with the runoff over the weekend. She's been in touch with everyone, including the property owners, Dave Giangrande of DCI, Dave Murray and Luke Roy of LJR Engineering. She's trying to get everyone together for a meeting, to go to the site and figure out what needs to be done. Dave Giangrande has some good ideas for what needs to be done, but he really thinks another walk of the site and some follow up information from the engineers is needed.

Mr. Pearce stated that with all of the solutions that they brought forth he was not comfortable with it and he kept saying wait until the next rainstorm. He thinks the original design work was okay, but all of the changes that were made, that original design has been thrown out the window and now we're trying to play catch up and it's not working. So, he's probably going to be out there with her when this meeting takes place. After the site walk they're probably going to get some written results from Mr. Giangrande and we're going to want to read that before we deliberate, so that we know if this is a reasonable solution, or one that we do agree with, or don't agree with.

Adjournment at 9:36PM

Respectfully submitted,
Ryan Carroll, Clerk

