

PLANNING & DEVELOPMENT BOARD MEETING MINUTES

September 20, 2022



Ruthanne Fuller
Mayor

Barney Heath
Director
Planning & Development

Cat Kemmett, Senior Planner

Members

Peter Doeringer, Chair
Kelley Brown, Vice Chair
Kevin McCormick, Member
Jennifer Molinsky, Member
Barney Heath, *ex officio*
Lee Breckenridge, Member
Laxmi Rao, Alternate
Amy Dain, Alternate

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Members present:

Peter Doeringer, Chair
Kelley Brown, Vice-Chair
Kevin McCormick, Member
Jen Molinsky, Member
Lee Breckenridge, Member
Amy Dain, Alternate
Laxmi Rao, Alternate
Barney Heath, *ex officio*

City Staff:

Cat Kemmett, Senior Planner
Others: Councilors Wright and Oliver

Meeting held virtually by Zoom Meeting

Chair Doeringer opened the meeting at 6:01 p.m. and then opened the public hearing for the first item.

1. Public Hearing on #192-22 Request for Review and Amendments to Section 6.7.1 Accessory Apartments

Senior Planner Cat Kemmett presented the rationale for the amendments to the accessory apartment ordinance. The purpose of the amendment would be to provide more pathways for accessory apartments to be built than exist under the current ordinance. Accessory apartments represent a relatively low impact uncomplicated way in which Newton homeowners can add a small housing unit within certain standards, to their properties. The first change would eliminate the requirement that an accessory dwelling (ADU) couldn't be built as part of new construction until after four years. The second change would allow small detached ADUs by-right between 250-900 square feet or 50% of the proposed dwelling unit, whichever is smaller. The third change would reduce the current side and rear set-backs for detached ADUs. The last change would permit an owner-occupant to be defined more broadly but the requirement would remain that the owner would be required to live either the principal dwelling unit or the accessory apartment.

Upon public comment, City Councilor Wright raised concerns about the 7.5 foot set-back proposed. Her preference would be to maintain a requirement that the set-back be the same as the principal dwelling and that anything less would require a special permit. Councilor Wright also would like to maintain a one or two year lookback and only allow a new build accessory apartment by special permit.

City Councilor Oliver expressed concerns about the set-back requirements. Councilor Oliver also inquired as to whether the changes could be individually voted upon.

Chair Doeringer responded that the current ordinance could be amended to address the individual items. At the ZAP meeting, the changes were taken as a whole package and the ZAP vote was 5-2-1 in favor.

A motion was made by Jennifer Molinsky to close the public hearing at 6:25 p.m. and it was a unanimous vote.

Ms. Breckenridge questioned whether an existing garage could be converted to an accessory apartment. Ms. Kemmett indicated that the minimum set-back would be 7.5 feet as a requirement and that anything closer would require a special permit. Ms. Breckenridge also has concerns about the enforceability of the owner occupancy requirement.

Ms. Molinsky indicated full support for the amendments to incentivize additional accessory apartment construction. She was comfortable with the safeguards placed in the ordinance.

Ms. Dain expressed support for the overall amendment. She indicated that she was comfortable with eliminating the look back provision given the overall need for such units. She also questioned the fairness of tying the size of the unit to the size of the principal dwelling unit.

Ms. Rao expressed concerns about the set-back requirements in that some existing detached garages might make good candidates for accessory apartments but the 7.5 foot set-back might be a deterrent. Ms. Kemmett indicated that those cases could be approved via a special permit.

Mr. McCormick expressed support for the amendment especially the creation of smaller units.

Ms. Dain indicated that her research on ADUs showed that the special permit requirement was a significant deterrent to moving forward with accessory apartments for both homeowners and builders.

Mr. Doeringer indicated that he shared many of the Board's concerns but in the end was persuaded that the overall package was worthwhile to help increase the development of these units.

Hearing no call for amendments to the proposal, Mr. Doeringer called for a motion. Mr. McCormick moved to accept the amendment as presented and it was approved 6-0-1 (Director Heath abstaining).

2. Public Hearing on #401-22 Request to amend Section 5.11.5.E Inclusionary Zoning Cash Payments

Director Heath indicated that this change would direct any inclusionary zoning payments in lieu of units from the City Council to directly to the new Municipal Affordable Housing Trust.

Mr. McCormick expressed a desire to see all of the funds be reserved for solely the creation of new housing and not other purposes.

Ms. Molinsky expressed support for the amendment overall but indicated that she would like to see in lieu payments from senior housing projects be reserved for use as senior housing with services.

Following a discussion as to whether there be an amendment to address the senior services issue, Director Heath suggested that this issue is best addressed as part of the IZ ordinance as a whole.

Upon a motion by Ms. Molinsky and approved 6-0-1 (Director Heath abstaining), the amendment was recommended.

3. Adjournment

Upon a motion by Mr. McCormick and unanimously approved, the meeting was adjourned at 7:00 p.m.