



The City of
WORCESTER

Planning Board

**MINUTES OF THE PROCEEDINGS OF THE
PLANNING BOARD OF THE CITY OF WORCESTER**

Wednesday, November 9, 2022

Worcester City Hall – Levi Lincoln Chamber,
with remote participation options available via WebEx online at
<https://cow.webex.com/meet/planningboardwebex> and
call-in number 415-655-0001 (Access Code: 1601714991).

Board Members Present: Albert LaValley, Chair
Edward Moynihan, Vice Chair
Conor McCormack
Adrian Angus
Brandon King (*Participated Remotely*)

Board Members Absent:

Staff Present: Michelle Smith, Division of Planning & Regulatory Services (DPRS)
Pamela Harding, Division of Planning & Regulatory Services (DPRS)
Steve Cary, Division of Planning & Regulatory Services (DPRS) (*Participated Remotely*)
Peter Dunn, Executive Office of Economic Development
Jody Kennedy Valade, Inspectional Services (*Participated Remotely*)
Alexandra Kalkounis, Law Department (*Participated Remotely*)

Call to Order

Board Chair LaValley called the meeting to order at 5:30 pm.

Board LaValley explained the purpose of the meeting.

New Business

1. Article VII - INCLUSIONARY ZONING (ZA-2022-020)
 - a. Public Hearing – Zoning Ordinance Amendment

Peter Dunn described ongoing affordable housing efforts; discussed ARPA funding allocations for affordable housing; provided an introduction to inclusionary zoning; described history of effort to pass inclusionary zoning and the research and collaboration that went into the proposed ordinance; noted that administration want to also make sure housing production continue.

Mr. Dunn described the specifics of the proposed ordinance, including proportion of units to be set aside and AMI percentages, the qualifications of the potential occupants, an explanation of AMI and Fair Market Rent, deed restrictions and regulations on the units, the payment-in-lieu option, and incentives.

Public Comment

Kevin Ksen, Carpenters Union, asked how compliance will be monitored and enforced; Mr. Dunn answered that there will be guidance developed and there is already compliance process for existing affordable housing stock that will be followed; Mr. LaValley commented that there is a robust compliance process in place.

Etel Haxihaj, City Councilor, commended Mr. Dunn for the thoughtful ordinance; suggested that the ordinance could be strengthened; emphasized the need for this ordinance.

Fred Nathan, Worcester resident, stated the need for TIF incentives for developers; Mr. LaValley noted that this will be mandatory to get a certificate of occupancy and TIF does not apply.

Steve Teasdale, Director of Main South CDC and Worcester resident, noted his appreciation for the Planning Board; noted that Worcester is facing affordable housing crisis and there is a glut of market-rate units; suggested a hybrid alternative to the City's proposal; would like to see mandatory requirement for 60% AMI.

Craig Blais, Worcester Business Development Corp, stated that he is cautiously optimistic about the proposed ordinance but is concerned about chilling effect on development; noted that cost of development is as high in Worcester as it is in Boston and Inclusionary Zoning presents a challenge for capital stacking; noted need to balance needs of private development; stated support of ordinance as presented tonight.

Robert Bilotta, Worcester Together, stated that he would like to see provisions for accessible housing within the ordinance.

David Sullivan, Chamber of Commerce, stated support for ordinance as currently written; stated concern that Inclusionary Zoning should not deter further development.

Manny Guerra, lifelong Worcester resident, stated that people with disabilities have been left out of this ordinance and that the ordinance should include accessible units.

Joyce Mandell, Worcester resident, thanked City for their efforts in drafting ordinance; agreed with Mr. Teasdale that affordability at 60% AMI should be mandatory; stated that reservations about chilling development are overstated and Worcester is no longer desperate for development.

Yvette Dyson, Worcester Common Ground, thanked City for its efforts; echoed Mr. Teasdale's support for mandatory 60% AMI affordability and stated support for including accessible units; stated that they would like to see restriction be in-perpetuity.

Mark Borenstein, 80 Barry Road, stated that he was glad to see conversation happening; stated that he supports ordinance as proposed and that it balances need for continued housing production; stated that ordinance can be amended in the future.

Fred Taylor, Worcester resident, NAACP chapter president, stated support for ordinance; stated support for hybrid model proposed by Worcester Together Housing Coalition.

Fred Nathan, Worcester resident, gave an example scenario to illustrate affordability.

Nancy Garr-Colzie stated support for including accessible housing in ordinance.

Giselle Rivera-Flores, Worcester resident, noted that prices for rent are unaffordable; noted that growth should not come at the expense of local residents and workers.

Board Discussion

Mr. LaValley asked Mr. Dunn to respond to some of the public comment.

Mr. Dunn explained efforts to address accessibility within these affordable developments; the city has tried to use other methods allowed through MGL, e.g., financial incentives.

Alexandra Kalkounis, Law Department, noted that they are exploring other incentives to increase accessibility. Mr. LaValley summarized that it is not legally appropriate to use Inclusionary Zoning to mandate accessibility; Ms. Kalkounis agreed.

Mr. Dunn addressed public desire for mandating 60% AMI affordability and that City is considering those families in the 60% - 80% AMI range; Mr. LaValley asked Mr. Teasdale or Ms. Dyson to respond; Mr. Teasdale reminded Board that most rental households earn less than 50K per year; noted that as of now there is no requirement for *any* units to be affordable at 60% AMI and that developers will not choose this option; described scale of current demand for affordable housing; reiterated that the ordinance could be improved from how it is written.

Adrian Angus asked for clarification on legality of including accessibility requirements in the ordinance; Ms. Kalkounis clarified.

Conor McCormack stated his support, considering how many units have been permitted during his brief tenure on the Board; would like to see some way of mandating the developers choose 60% option and asked Mr. Dunn to respond; Mr. Dunn responded that a greater range of % AMI will be addressed by affordable housing trust and ARPA funds; Mr. McCormack asked whether this would apply to mixed-use; Mr. Dunn clarified that it would.

Edward Moynihan asked later amending Inclusionary Zoning ordinance to mandate accessibility; Ms. Kalkounis responded that legislature could change the 40A law to make this legal; Mr. Moynihan stated that he feels that this is a good start; noted that they could push the affordability units and later scale them back; stated that he would like to see them “push the envelope” in terms of what’s possible for affordability; stated that city could make payment-in-lieu option more expensive; said that Board need to provide a voice for people who do not have the political power, and they should do as much as they can while they have the option.

Brandon King stated his support for Inclusionary Zoning and that there are opportunities to improve it, but that this is the right first step.

Public Comment

Judy Diamondstone, Worcester resident, stated appreciation for City’s thoughtfulness; noted that the Affordable Housing Coalition’s proposal has been too quickly dismissed; noted that 80% is effectively meaningless.

Mr. Dunn responded that Worcester is sensitive to macroeconomic forces and balance and incrementalism is important.

Mr. Teasdale clarified on the Affordable Housing Coalition’s proposal.

Board Discussion

Mr. LaValley asked for clarification on Board’s options for motions; Ms. Kalkounis answered.

Mr. LaValley stated that he would like to see accessibility requirement included if legally possible.

Mr. McCormack suggested that they recommend that the City require a re-evaluation within a certain time frame.

Mr. Angus stated he is interested in the AHC's option and that there should be a built-in review period, maybe every 5 years.

Mr. LaValley noted that market dynamics will be changing, and they should build in power to adjust it.

Mr. King stated is agreement with Mr. Angus regarding review period.

Mr. Moynihan noted systemic failing that even the AHC's proposal may not be adequate; would like to see exploration of 50/50 split and additional robust conversation of the per AHC's proposal and a .

Mr. McCormack asked for City staff opinion on review period timeframe; Mr. Dunn suggested 2-3 years and noted that City Master Plan is underway and could tie in with the review period.

The Board discussed timeframe for review.

Mr. Moynihan made a motion to close the hearing, seconded by Mr. Angus; The Board voted 5-0 to close the hearing.

Recommendation

A motion was made by Mr. Moynihan to recommend City Council acceptance of the Inclusion Zoning Ordinance with consideration of incorporating the following amendments:

- 1- Consider reducing the number of affordable units to 10% of the unit count but requiring 50% of the units allocated to 60% of the AMI and restrict the other 50% to 80% of the AMI
- 2- Consider increasing payment in lieu of affordable housing construction to 5% of the construction costs.
- 3- Ask that ordinance be reviewed within 3 years or in conjunction with a larger review of Zoning Ordinance in its entirety.

Seconded by Mr. McCormack; The Board approved the motion 5-0.

Other Business

2. Approval of Minutes – ~~06/29/2022~~; 08/31/2022; 10/26/2022

Mr. Moynihan made a motion to approve the 8/31/22 and 10/26/22 minutes, seconded by Mr. McCormack; the Board voted 5-0 to approve the 8/31/22 and 10/26/22 minutes without changes.

On a motion by Mr. McCormack, seconded by Mr. Angus, the Board voted unanimously to adjourn at 7:42pm.