



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

Wednesday, November 15, 2023

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 1-844-621-3956 (Access Code: 2633 685 5101).

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

Board Members Absent: *None*

Staff Present: Michelle Smith, Division of Planning & Regulatory Services (DPRS)
Rose Russell, Division of Planning & Regulatory Services (DPRS)
Sean Quinlivan, DPW (*Participated Remotely*)
Todd Miller, Inspectional Services
Alexandra Kalkounis, Law
Peter Dunn, EOED

Call to Order

Board Chair Albert LaValley called the meeting to order at 6:30 pm.

New Business

1. Zoning Ordinance Amendment – Accessory Dwelling Units (ZA-2023-009)

a. Public Meeting

Chair Albert LaValley introduced Peter Dunn, the Chief Development Office for the Executive Office of Development. Mr. Dunn described other communities that have introduced Accessory Dwelling Units (ADUs) as a means to aid in the housing crisis and described ADUs as an early priority action items that came out of the City's long range Now Next plan. Mr. Dunn reiterated the urgency of this item as expressed both from the Now Next plan and from City Council to adopt ADU regulations. Mr. Dunn said different communities have adopted different regulations and that has led to different outcomes and emphasized the importance of the details of regulations.

Mr. Dunn described the various type of ADUs, and described the proposed Ordinance text, beginning with the importance the City feels about allowing ADUs by-right. He stated by-right options will significantly reduce the time, cost and risk associated with the development of an ADU and the potential to create inequity and reduce production by requiring ADUs by special permit. Mr. Dunn stated they are proposing ADUs by-right in all zones except manufacturing and airport zones where residences are currently not permitted.

Mr. Dunn further described some of the proposed amendment text. He described some of the proposed regulations; types of allowed ADUs and required owner occupation of either the primary dwelling or the ADU. He stated the purpose of the

owner-occupied regulation is to protect individual home buyers and reduce the potential for single—family homes to be purchased by outside developers for profit.

Mr. Dunn described the allowed temporary absences policy, and certifications that must be submitted; the lack of regulations requiring a familial relationship between the occupant of the primary dwelling and the ADU; restriction on short term rentals; the requirements for submittal for a building permit; restriction on ADUs to be constructed only on structures with up to three dwelling units; maximum of one ADU on one lot; limits on size of the ADU; the required setbacks; orientation of the ADU; maximum height limitation; limit of two bedrooms per ADU; and no new parking spaces required for an ADU. Mr. Dunn stated that a special permit can be obtained through the Planning Board to vary some of the requirements to allow ADUs in situations where appropriate.

No comment from Law or Inspectional Services.

Public Comment:

Alrich Adwick stated he is in favor of passing the ADU regulations as proposed by the City and the suggestions from the Now Next plan. He stated as a landlord, he knows firsthand how dire the housing crisis is and the importance of diverse housing projects. He stated he had attended numerous Now Next meetings and encouraged the Board to pass the ADU regulations as proposed, citing the extensive public input and outside professional assistance. He stated HUD has updated lending guidelines to include rental income from ADUs to qualify for mortgages and to provide financing for construction. He stated we need to move toward future needs in regard to parking and is in favor of no additional parking being required.

Steve Hart, asked for clarification on whether ADUs will be a check box on the building permit; Ms. Smith stated only a building permit will be required but the exact application has not been prepared. Mr. Hart asked if an ADU could trigger sprinklers; Ms. Smith stated she believes if it's an attached ADU it may trigger sprinklers, but a detached unit would not, but ultimately deferred to the Building Commissioner. Mr. LaValley stated he thinks the sprinklers may be triggered by expansion of square footage rather than unit count.

Mr. Hart asked about the potential for development of new construction on a non-conforming lot and the possibility of the addition of an ADU. Ms. Smith stated ADUs cannot be build concurrently but are only able to be constructed when there is a main structure on the parcel. Mr. Hart asked if there's a time frame from construction of the main dwelling to ADU; Ms. Smith described the process.

Jake Seidel on behalf of Strongtowns Worcester, expressed his support for ADUs and for the Board to favorably recommend the regulations as written. He stated it's a way to aid the housing crisis, strengthen Worcester, provide more development tools and to give greater access to housing. He stated he is in favor of no parking being required for ADUs and encouraged the Board to recommend with as few conditions as possible.

Joyce Mandell, Now Next subcommittee member, stated she supports the ADU regulations as written. She noted the explosive growth in Worcester without a similar growth in housing stock and rising house prices. She stated the diversity of housing is important and these smaller dwellings can provide opportunities for their parents, their children or to utilize existing structures to aid homeowners paying their mortgages. She stated the housing crisis is visible in Worcester and emphasized her support for the new regulations.

Carl Howl stated he is in support of the ADU ordinance and stated the by-right option is a key component of the proposal. He described the future for his family and potential to construct an ADU for his parents or children and believes homeowners should have that flexibility. He stated his grandfather constructed an ADU and used it for family and it became a transition point to homeownership for others.

Karen Mountain Boynes, Walkbike Worcester, member of the DTM working group for Now Next, stated she is in support of the ADU regulations with no-familial relationship required, restriction on short term rentals and no required parking. She stated the importance of ADUs to intergenerational living, examples of ADUs in New Jersey to provide affordable housing

and the depth of character it provides to a community, and the impact ADUs will have in relationship to transportation. She stated how she is in support of the regulations not requiring parking.

Eric Stratton stated he is in support of ADUs and congratulated the Board and the Planning Department on their efforts on putting the regulations forward. He emphasized the importance of passing the regulations without parking restrictions.

Emily Thibault stated she is in support of the amendment and thanked everyone for their efforts.

Deb Powers stated she is in full support for the regulations as written and specific support for no-familial relationship required for the ADUs. She stated she has seen so many people who can afford housing but there is such a small number of units on the market and cited the vacancy rate for Worcester.

Robert Billota stated he is in support of the amendment and will allow Worcester residents to age in place and the benefit of intergenerational living. He asked the Board to consider the impact of not requiring additional parking spaces and the current parking issues faced in many parts of the city currently.

Mark Borenstein, advisory committee member of Now Next, thanked the Economic Development and Planning and Regulatory Services Division for putting the ADU amendment forward. He stressed his support for no parking being required for an ADU and cited another speaker on how we should be looking toward the future when regulating. He recommended passing the regulations as written.

Etel Haxhiaj, District 5 Councilor stated she is in support and urged the Planning Board to pass the amendment. She thanked Mr. Dunn and all staff for the work they have done to bring this forward, she also thanked the residents who came out to support this project.

Board Discussion

Mr. McCormack stated he is in favor of this item and thanked the public for their time and coming to speak.

Mr. Angus stated he is impressed with the City's presentation and all the work that has gone into the ADU ordinance, and he is in support of the proposal as written.

Mr. King stated he is in support and appreciated the community support.

Mr. Moynihan asked if a 15% slope would still trigger site plan review if the construction is only related to an ADU. Ms. Smith stated that is not the intention and they can more clearly define that.

Mr. Moynihan also asked what happens when a property with an ADU is sold. Mr. Dunn stated that would be handled through complaints, and they would try and bring the property into compliance without having to evict the tenant of the ADU. Mr. Moynihan asked about the enforcement around preventing ADUs as being used as Airbnbs. Mr. Dunn stated enforcement will similarly be complaint driven.

Mr. Moynihan stressed the importance of passing the regulations on to Council to be ordained as proposed. He stated he would like to make it clear to Council that the Board would not be in favor of passing regulations if they were to be modified or watered down.

Mr. LaValley emphasized the need for housing in the city, but also the impact understaffing has on the City. He thanked the staff for working so hard to bring this item forward but cited his personal experience in real estate with seeing how difficult it is for the City to enforce different regulations. He stated he feels it will not be effective for the City to enforce owner-occupancy for ADUs and will end up being complaint-driven and an uneven enforcement of the ordinance. He stated that when ADUs are introduced in other communities, construction of ADUs has not skyrocketed. He stated it's not likely to see a large amount of ADUs due to construction costs and that we should remove any regulatory barrier to encourage production.

Mr. LaValley suggested passing the ordinance by-right in all districts in the case they are pre-existing residential dwellings in the airport or manufacturing zones, and suggested removal of c1b, and cd to remove the requirement for owner-occupied dwellings.

Mr. LaValley stated he is okay with keeping in the restriction of a 28-day lease but wished to see a regulation targeting Airbnbs across the city rather than targeted through ADU regulations. He suggested removal of the requirement that the ADU shall be limited to 50% of the GFA of the main structure.

Mr. Dunn stated the Inspectional Services Department is working on a rental registry which may aid in monitoring the owner occupancy requirement. He also expressed concern about outside developers purchasing single-family dwellings cause the value added through an ADU and taking homes off the market for homebuyers. He asked the Board to consider the unintended consequences that may come with removing the owner occupancy requirement. Mr. Dunn cited the increase in outside investors buying up triple-deckers and rent prices increasing, he expressed concern that this may end up being the case for single-family dwellings.

Mr. LaValley thanked Mr. Dunn for his comments but added that from his perspective and experience, there is not enough value in a single-family with an ADU to see large developer interest in Worcester. He stated he had also been to Now Next meetings and had discussed with other communities that have adopted ADUs and that there has not been a significant number built due to construction costs. Mr. LaValley stated that this amendment must also go to City Council and expects a big divide on Council's opinion of ADUs and the regulations as proposed. He recommended writing the ADU ordinance as strongly as possible to Council, removing c1b, c, d, and to emphasize to Council the importance of passing it as written.

Ms. Smith reiterated the alterations as described by Mr. LaValley.

Mr. Moynihan discussed the alterations and shared in his professional experience; he understands Mr. Dunn's concerns regarding outside investment. He said he understands the importance of owner occupancy to neighborhoods and the importance of housing construction. He also expressed concerns for unintended consequence of passing the amendment without the owner occupancy requirements, stated he does feel strongly about keeping the language to prohibit short term rentals and asked for other board members to share their thoughts.

Mr. McCormack stated he is in favor of the changes proposed, the maximum size of an ADU, allowed by-right in all zoning districts, and the restriction on short term rentals. He stated he feels selling a property with an ADU will be difficult if the owner occupancy regulation is kept but acknowledged the concerns regarding outside developers. Mr. McCormack stated he is ultimately in favor of removing the owner occupancy requirement.

Mr. Angus stated that he feels Mr. LaValley has a strong point in removing the owner occupancy requirement and feels that is the best choice if housing production is the focus.

Mr. King stated he is in favor of the modifications as discussed and is in favor of removing the owner occupancy restriction.

Mr. LaValley told Mr. Moynihan he feels it's important that the Board is unanimous on this decision and asked him for his final thoughts on owner occupancy requirements. Mr. Moynihan stated he would support removing the owner occupancy requirement to bring the vote unanimously to council. Mr. LaValley asked for a motion.

On a motion by Mr. Moynihan, seconded by Mr. McCormack, the Board voted 5-0 to strongly recommend the ADU ordinance amendment, with the section 2 to add "for any place where there is already existing housing that ADUs will be allowed, including airport and manufacturing districts"; eliminate, 1B, C, and D to allow more ADUs to be built; in section 3a to remove the requirement for an ADU to not exceed 50% of gross floor area of the main dwelling.

Ms. Smith thanked everyone for their time and participation. She described the next steps for passing the ADU ordinance amendment and encouraged everyone to attend the following City Council meetings and the next steps of the

Other Business

9. Approval Not Required (ANR) Plans

- a. AN-2023-049 – 59 Anderson Avenue (Public/Private) **On a motion Mr. Moynihan, seconded by Mr. McCormack, the Board voted 5-0 to endorse the ANR.**

12. Board Policy and Procedures – Ms. Smith asked the board to confirm their availability for a special meeting for the update from the Now Next Plan.

13. Communications

14. Approval of Minutes – 5/26/2021 **On a motion by Mr. Moynihan, seconded by Mr. McCormack, the Board voted 3-0 to approve (Mr. Angus and Mr. Kind abstained)**

Adjournment

On a motion by Mr. Moynihan, seconded by Mr. McCormack, the Board voted unanimously to adjourn at 7:45pm.