

**REVISED Minutes  
Worcester Planning Board  
Special Meeting  
July 22, 2004**

**Dept. Code Enforcement  
Conference Room  
25 Meade Street  
Worcester, MA**

**Proposed Zoning Ordinance (Dated November 12, 2003)**

**Planning Board Members Present:**

Joe Boynton, Chair  
Anne O'Connor  
Stephen Petro  
Samuel Rosario

**Staff Present:**

Jill Dagilis, Code Enforcement  
Joel Fontane, EONS – Planning Division  
David Holden, Code Enforcement  
Jody Kennedy-Valade, Land Use Division  
Edgar Luna, EONS – Planning Division  
Michael Traynor – Law Department

**For the purposes of this meeting, the Planning Board referred to the color-coded version (Law Department version) of the November 12, 2003 Proposed Zoning Ordinance.**

**Call to order:** Joe Boynton called the meeting to order at 5:00pm

**1. Article XV – General Application of Regulations  
Section 4 – Nonconforming Uses and Structures**

- a. **Section 4(C)(2):** Reference to 4(C)(2) should be 4(C)(1) and should end there.
- b. **Section 4(C)(3):** Michael Traynor explained that if someone is proposing to change a use from nonconforming to conforming, it should be allowed by right, and therefore should not require a change of use special permit.
- c. **Section 4(D)(1):** Mr. Traynor indicated that the proposed deletions were based on recent case law regarding this topic.

*The Board recommends approval as proposed with further amendments to Section 4(C)(2) above. Stephen Petro moved and Samuel Rosario seconded. The vote was 4-0.*

**2. Table 11.1 – Water Resources Protection Overlay District Use Regulations**

- a. Table 11.1(5):** The word “industrial” should be deleted.
- b. Table 11.1(3):** “The Generation, Treatment or Storage of Hazardous Waste” (from 1991 ordinance) should be reinserted as Number 3.
- c. Table 11.1(10):** Increase the rendering impervious of lot area from 15% to 20% as the threshold for special permit in GP-2 zones.

*The Board recommends approval as proposed with the reinsertion of number 3 from the 1991 ordinance. Stephen Petro moved and Samuel Rosario seconded. The vote was 4-0.*

**3. Table 4.2 – Permitted Dimensions By District:**

- a. Proposed change to dimensional requirements for Residential Use #14 (Duplex uses) in RS-7 zones: Increase the frontage and minimum lot area requirements for single-family semi-detached from 35 feet and 4,000 to 70 feet and 7,000 respectively.**

Stephen Petro read a letter from Atty. Samuel DeSimone requesting the Board to reconsider its March 3, 2004 (Item# 4(h)(i)) recommendation regarding duplexes. Joel Fontane noted that the Board voted 3-1 (Boynton voted no) to recommend the change as proposed at its March special meeting. *Motion to reconsider by Stephen Petro, seconded by Sam Rosario. The vote was 4-0.*

David Holden explained that the goal of the proposed change is to discourage duplex infill housing in neighborhoods that are otherwise single family within RS-7 districts. In areas with primarily single-family detached housing, infill duplex development overcrowds the neighborhood since a duplex requires only five more feet of frontage than single-family detached home. Several Board members indicated that the proposed change was too large and that the proposal, if adopted, would require essentially the same dimensions as that of a single-family detached unit: 7,000 square feet and 65 feet of frontage for RS-7 zones. Samuel Rosario asserted that no developer would want to build a duplex with those dimensional requirements.

Mr. Holden indicated that the greatest opposition to duplex infill development comes from residents in already established single-family

detached areas. These residents do not consider these “shoehorn” developments comparable, even though they are technically single-family, and therefore should be allowed in single-family residential zones. The Board considered the impact of infill duplex development on property values. Joel Fontane reported that, although the sales prices of new duplexes and existing single-family detached homes have converged, duplexes are more sensitive to real estate market changes. Therefore, although the price disparity between these two housing types is less than in the past, it is likely to be more significant in the future, should the real estate market decline. He also stated that small, older single-family detached homes are having difficulty keeping up with new duplex values.

Mr. Fontane continued that one of residents’ key concerns is the aesthetics of new development. Because the quality and aesthetic attributes of duplexes vary greatly this creates concern. Mr. Fontane said that substantial lot irregularity also contributes to poor aesthetics. Samuel Rosario stated that we should prevent the problems associated with bad lots through lot regularity regulation. Samuel Rosario asserted that the proposed 7,000 square feet for each dwelling unit is too prohibitive. The Board discussed the merits of several combinations of lot size and frontage for duplexes in RS-7 zones. David Holden proposed that the ordinance should require duplexes to have a minimum of 50 feet of frontage and 5,000 square feet area in RS-7 zones.

*The Board recommended 4,000 square feet and 40 feet frontage per unit. Samuel Rosario moved and Stephen Petro seconded. The vote was 4-0.*

- b. **Error in Table 4.2 – Dimensions by District:** In response to an error found in the Dimensional Table and referred to in a letter from Attorney Longden on behalf of Princeton Properties, *the Board recommended that the height limitation for multi-family low rise dwelling units in RL-7 zones be changed from 45 feet back to 50 feet. The vote was 4-0.*

#### 4. **Table 4.1 – Permitted Uses By Zoning District**

- a. **Residential Use # 14: Single-family semi-detached dwelling proposed to be changed from SP to N In RS-10 zones.**

Joel Fontane indicated that the Board recommended to approve as proposed and voted 2-1 (John Shea moved, Anne O’Connor seconded, Joe Boynton voted no) it its March 3, 2004 special meeting (Item 4(c)(i)).

*Motion to reconsider by Stephen Petro, seconded by Sam Rosario. The vote was 4-0.*

Mr. Rosario questioned if prohibiting duplexes in RS-10 zones was over regulating the development of single-family housing in the City. Joel Fontane indicated that one of the largest problems in the Commonwealth of Massachusetts over the past 30 years has been that land use regulation has become more restrictive regarding density, and that zoning is cited as one of the primary reasons for the tight housing market. Currently, it is difficult to construct anything but high priced single family homes in the suburbs. This situation has benefited those who own housing, but has hurt those who are not yet homeowners. Because Federal, State and local policies seek to encourage home ownership, these two policies seem to be counterproductive. This situation has significant implications for future economic growth as well. As housing prices continue to outstrip income gains in Massachusetts it will be more difficult to attract and maintain a qualified labor force – key to economic development.

Mr. Fontane acknowledged that it is beyond the City of Worcester’s ability to solve the problems of the State in this realm because the majority of the land left for development is located in the suburbs where the most restrictive zoning is found. Yet, housing professionals recommend that municipalities encourage unit supply. Staff noted that there is currently not a large amount of land for development in RS-10 zones. Joe Boynton said he recommended not changing the regulation of duplexes in RS-10 zones since the City’s current ordinance requires a special permit for this use. Samuel Rosario reminded the Board that the Zoning Board of Appeals would still need to consider such developments. Stephen Petro said that by allowing duplexes in the RS-10 zone, it would allow for a different type of housing, thus enabling more people to benefit from these high quality neighborhoods. *The Board recommends 7,500 square foot minimum lot size and 50 feet frontage per du for duplexes in RS-10 zones with the issuance of a Special Permit. Stephen Petro moved and Samuel Rosario seconded. The vote was 4-0.*

- b. **Residential Use #12: Single-family attached dwellings in RG-5 zones.** The Board reviewed and maintained its recommendation to increase the area and frontage requirements from 2,200SF to 3,000SF and from 20 feet to 25 feet respectively, for single-family attached dwelling units in RG-5 zones to provide adequate space for on street parking.

## 5. **Article I – General Provisions**

### a. **Section 1 – Purpose**

- 1. **Section 1(A)(2):** *The Board recommends inserting the words “To facilitate”. Stephen Petro moved and Samuel Rosario seconded. The vote was 4-0.*

2. **Section 1(A)(4):** *The Board recommends inserting the words “incompatible land uses” after overcrowding of land. Stephen Petro moved and Samuel Rosario seconded. The vote was 4-0.*
  
6. **Article II – Definitions:** Staff indicated that the changes included the addition of new definitions, eliminating of definitions not found in the ordinance and the relocation of select definitions to their respective articles. Joe Boynton asked why the City should be concerned with payments associated with Assisted Living as found in the wording of its definition. Michael Traynor responded that it is a statutory definition.

**Meeting Adjourned 6:15PM**