



Town of Reading

16 Lowell Street

Reading, MA 01867-2683

Phone: 781-942-6612

Fax: 781-942-9071

Email: jdelios@ci.reading.ma.us

Zoning Advisory Committee

**May 12, 2014 Public Forum Meeting Minutes
Comprehensive Update to Zoning Bylaw
Pleasant Street Center, 49 Pleasant Street
7:30PM**

There being a quorum of the Zoning Advisory Committee (ZAC), the Chair called the meeting to order.

Forum Presentation

Mr. Ralph Willmer, Consultant with Vanasse Hangen and Brustlin, Inc (VHB) presented a project background. He noted zoning was first adopted in Reading in 1928 and since then has been updated on a piecemeal basis. As such, there are several inconsistencies and outdated language that needs to be reviewed and updated to modern standards.

Mr. Willmer said it is important for a zoning bylaw to be easy to understand. When the language is inconsistent or difficult to understand, it becomes very challenging to developers, property owners and enforcers using the bylaw. As part of this project, the Town will be looking at the permitting processes and making recommendations on changes to make it more streamlined and simple.

The first complete draft of the bylaw is due by July 15th to the Board of Selectmen. Ultimately, the goal will be to have a final draft by September that can be included in the warrant for November Town Meeting.

He said that the topics for tonight's forum include Accessory Apartments, Site Plan Review, Aquifer Protection District, Organization of the Use Table, Signs, and Parking.

Mr. Willmer continued the presentation.

He described Accessory Apartments and summarized the potential changes to the section of the bylaw. An Accessory Apartment is defined as a separate living unit within a single family house, or may be a detached structure on a lot of a single family home. This unit could be rented and in some cases are referred to as in-law apartments. He pointed out that the ZAC has had a lot of discussion on this topic

and the language needs to be updated. Currently it is very restrictive and limits many property owners from constructing accessory apartments. The proposed language will allow accessory apartments by-right within an existing single family structure. In addition, there will be a Special Permit option to allow detached structures to be used as accessory apartments. With either option, Mr. Willmer added that there are a number of special conditions that must be adhered to.

Mr. Paul Dustin asked whether detached structures could be used for accessory apartments. Mr. Willmer replied yes, by Special Permit.

Ms. Karen Herrick questioned the issue when ownership changes. Mr. Willmer said that new owners would have the right to maintain the accessory apartment.

Ms. Diane Kennedy asked if the accessory apartments could be rented. Mr. Willmer replied yes and they could be rented to non-family members.

Ms. Gina Snyder asked about detached structures and whether an owner could build a new detached structure for the accessory apartment. Mr. Willmer clarified it would need to be an existing detached structure and that it would need to meet all the requirements under zoning.

Ms. Nancy Twomey asked if an owner wanted to build a new garage, would they be able to convert it to an accessory apartment in the future. She said because in the future it would be an "existing structure". She added that it needs to be clear in the bylaw for these types of issues. Mr. Willmer noted the comment.

Mr. Willmer continued with the presentation. In regards to the Aquifer Protection District, Mr. Willmer said that the zoning language is consistent with federal and state requirements. Unfortunately Reading cannot change the language for the Aquifer Protection because the requirements are mandated. One issue that will be addressed with the new language is when a lot is divided by a boundary line and only partially in the district. The current proposal is to allow the less restricted district be extended by 50-feet into the Aquifer Protection District. This process will be allowed via review and approval by the Town Engineer.

Mr. Willmer briefly talked about Site Plan Review. He reported that the revised language has been provided by VHB and that the ZAC has it under review. Ultimately, the goal is to streamline the process and adjust the review thresholds to meet current needs. The thresholds in the current bylaw are very low which requires several projects to go through the site plan review process. The language will also allow for as much administrative review as possible. The draft language also hopes to clarify the plan and submission requirements.

Mr. Willmer presented the Use Table. He noted that many of the uses identified in the table were very outdated and several uses not included that should be were

added. In regards to the organizational structure, the ZAC is recommending it be split into two tables – one for residential uses and one of business/commercial uses. In addition, several Special Permits were changed to be under the jurisdiction of the CPDC if they would likely undergo Site Plan Review regardless. This would eliminate the need to go to two boards for review.

Mr. Willmer said that the ZAC is proposing to eliminate the Wetlands Protection District Overlay. It does not eliminate regulations for wetlands, and he stated that the local bylaw contained in the General Bylaw will remain. Applicants will still be required to adhere to the state Wetlands Protection Act.

Mr. Willmer began the interaction questions with the Turning Point program.

Comments were received during the question activity.

Ms. Herrick asked if the language for the Aquifer Protection District could be consistent with other Towns (she noted North Reading and Wilmington). Mr. Willmer said they could look into what other Towns are doing.

Ms. Twomey stated that currently Reading does not allow permeable pavers to count towards the permeable coverage of a lot. However, she said the State does count permeable pavers as a permeable surface. Ms. Delios replied that the Town does not regulate driveways or walkways, therefore even if an owner indicated they were going install permeable pavers, there is no way to ensure they would actually install them. Ms. Twomey suggested that permeable pavers be encouraged during the Aquifer Protection District review because then the Town could ensure they were included.

Ms. Snyder suggested reviewing the Tewksbury regulations in regards to Aquifer Protection.

Ms. Angela Binda expressed concern over the issue of Accessory Apartments. She does not want single family homes having the appearance of a two-family home. She agreed that there needs to be more flexibility, but has a concern that small capes will begin to double in size. Ms. West said that the ZAC is trying to understand the needs of the current and future population, especially as the aging population continues to rise and the need for in-law apartments may increase. However, she said the goal is to manage the impacts, including aesthetics to the neighborhoods. Mr. Willmer replied that the proposed language includes requirements in regards to the design.

Ms. Elaine Webb also expressed concern over Accessory Apartments. She said that looking into design requirements is important because she does not want it to look like a three family unit. She added that only restricting additions to the rear of the house (not visible from the street) might not be enough. She also expressed

concern that someone could rent out an apartment to non-family member. Ms. Delios replied that the proposed language to use the by-right option certain requirements would have to be met regardless.

Mr. Tom Wise said he is currently going through the permitting process for an Accessory Apartment. He feels there is a difference between an in-law apartment and a rental unit. He said the ZAC needs to look into that and understand the difference between the two.

Ms. Nancy Doctor felt that an owner should have the ability and the right to be able to rent it or not rent the unit.

Ms. Jacquie Carson noted there are caregiver apartments in other states. She suggested looking at some of the other zoning.

Mr. Dustin asked what sort of protections would there be to prevent single family districts becoming multi-family districts. Mr. Willmer said that principal use would be maintained for single family use and the accessory use is the apartment. He noted that this use is allowed now and the goal is clean up the language and make it easier to understand and get through the permitting process. He added that this topic is not a new concept.

Mr. Wise stated that the current language puts a 10% limit on the total number of housing units that may have Accessory Apartments. Ms. Delios said that cap would be eliminated with the new proposed language.

Mr. George Katsoufis asked if two-family homes are allowed in single-family districts. Ms. Delios said it depends. Ms. Virginia Adams said there is a provision that allows a property building before 1942 to be converted to a two-family if there are at least 8 habitable rooms.

Ms. Michelle Chiappini suggested investigating a cap for the percentage of Accessory Apartment. She noted that the State of Massachusetts protects renter's rights very rigorously. It could prove to be problematic to neighborhoods.

Ms. Adams cautioned about instituting a percentage cap because it could encourage a spike in construction for Accessory Apartments. She added that the new language would require at least one unit to be owner-occupied.

Mr. Willmer said that zoning does not address ownership issues. It does not matter if they are condo ownership properties or rentals.

Ms. Twomey said that Bedford has an Accessory Apartment bylaw. She added that limiting the apartment to 750 square feet is not much and that Bedford has the regulations based on the size of the house.

Ms. Herrick was concerned with the by-right option stating that it sounds powerful. She noted that many of the towns she works with require Accessory Apartments by Special Permit. She would caution having a by-right option.

Ms. Doctor spoke about medical marijuana facilities. She said that it would be important to have the facility located in an area where it can be watched. It should be accessible, with big windows and along a highly traveled way. She would be concerned that if the location of these facilities were located in the Industrial Zone, the community would not have the eyes and ears on it.

Ms. Webb agreed that if it is going to be located in Reading, she feels it should be located in a visible location. She recommended locating it somewhere professional, where the police drive by, where people are walking by.

Ms. Kennedy asked for clarification whether it could go in an existing structure. She added that she feels there would not be lines of people outside this facility, but that it will be persons with prescriptions who will come and go.

Ms. Chiappini agreed with Ms. Doctor and feels that medical marijuana should be dispensed from Walgreens or CVS. However, since the State did not set it up that way, she feels it should be in an open place and not hidden in the Industrial District. Ms. West said that in their review of the Table of Uses is not set in stone but that the CPDC and the ZAC have spent a substantial amount of time on this topic.

Ms. Chiappini suggested considering allowing medical marijuana facilities in other business districts in Town.

There was additional discussion regarding what use category medical marijuana would qualify under such as retail, commercial, etc. Several agreed that if it would fall under retail then it should be right on Main Street. However, the general consensus was that buffers and regulations needed to be in place, including a buffer for schools. Mr. Willmer said that the State does require certain buffers from schools and a few other places of assemblies.

Ms. Binda said she would prefer to have it be a smaller store in a retail area rather than a huge facility that cannot be monitored.

She also asked whether the ban on electronic billboards would change. Ms. West said the ZAC will be reviewing the entire sign bylaw in their upcoming meetings.

Mr. Tim O'Dea asked if there would be changes in regards to animated signs. He said the current language prevents him from having a barber pole sign. Ms. West agreed that some of the language may have been added over the years has had some unintended consequences.

Mr. Dustin suggested removing the term “beacon” because it causes confusion at the ZBA.

Mr. John Halsey recalled a lot of discussion on animated signs during the billboard discussion with the CPDC and Town Meeting a year or two ago. He agreed that the proposed language has had some unintended consequences but noted there were a lot of strong feelings against electronic billboards.

Mr. Tony D’Arezzo pointed out that animated signs be misconstrued for the other way. A small animated sign could extend to LED TVs that have signage.

Ms. Doctor asked how the information regarding the zoning project was being sent out to the Community. Ms. Delios replied that the ZAC has had a number of public forums, a stakeholder’s breakfast, and they are planning an evening forum with the Reading Co-Op Bank. She said that will be on May 20th. She said that notices for the forums and other meetings do go out via email list we do have on file and we use the Town Clerk to send information to Town Meeting members. The regular ZAC meeting agendas are also posted on the website.

Ms. Adams thanked the ZAC for all the work. She would encourage attendance at their regular meetings.

Mr. Bo Garrison asked whether solar panels and other energy uses would be addressed with this project. Mr. Willmer replied they will be looking into that when they start looking into the renewable energy issues.

Mr. Willmer posted the link to the website and indicated all the information can be found there. It is www.vhb.com/readingzoning

No additional comments received. Meeting ended at approximately 9:45PM.

Attached: Sign In Sheet

**Consultant Presentation and Survey Results
Summary of “Flip Chart Notes”.**