

The Planning Board met for a special meeting on Wednesday, January 25, 1989 at 8:00 A. M. in Room 209, City Hall. Members present were Chairman John F. Keaney; Vice Chairman Frank D. DeFalco; Clerk Joan C. Sadowsky; John T. Reynolds; George Russell. Also present were Director Francis J. Donahue; Commissioner Carl H. Koontz; Deputy City Solicitor Bridget M. Murphy; Assistant City Solicitor Michael E. Traynor; Senior Planner Alexander A. Pridotkas and Planning Coordinator Philip Hammond.

Call to Order

Chairman Keaney called this meeting to order at 8:00 A. M., the Planning Board meeting of January 18, 1989 having been recessed.

Route 20 Task Force - request meeting

Mr. Donahue stated that the Central Massachusetts Regional Planning Commission has developed a work program that will produce short and long range planning recommendations along Route 20 corridor planning study. They would like to meet with the Board and get a sense of the Board's support. The Board agreed to the meeting.

Tyson Road and Wilbur Street - approval not required plan

Mr. Donahue stated that a plan has been submitted to the Board with the request it be endorsed "approval under subdivision control not required." The proposed configuration of the two lots would only have a 25-foot frontage at the end of Wilbur Street. In order to meet the zoning requirement regarding front yard setback, the proposed property lines were drawn at odd angles creating long driveways to reach the homes.

Mr. Koontz stated it seemed that the zoning requirements are being met but the lot line configuration is odd and may not be in the best interest for the property owners and the city.

Mr. DeFalco moved that the Board withhold its endorsement of the plan "approval not required" because in its opinion the lots lack insufficient width and inadequate space for construction purposes to provide the needs of vehicular traffic in relation to the proposed use of the land. Mr. Reynolds seconded the motion. The vote was unanimous.

Zoning Ordinance amendments pertaining to conversions and non-conforming uses

Mr. Koontz recommended that the following amendments be made to the proposed changes in the ordinance regarding residential conversions.

In Article X, Section 3, delete (1) and substitute therefor

- (1) Excluded from RS districts

In Article X, Section 3, delete (2) and substitute therefor

- (2) Limited in RL districts to a total of two (2) units

In Article X, Section 3, delete (3)

In Article X, Section 3, delete (4) and substitute therefor

- (3) The structure, as converted, satisfies dimensional and parking requirements of this ordinance.

In Article X, Section 3, delete (5) and substitute therefor

- (4) The standards in (3) above may be abrogated by special permit of the Zoning Board of Appeals.

Attorney Murphy stated that the proposed new Section (4) as worded is in conflict with the previous section. She then explained the differences between obtaining a special permit and a variance.

Mr. Koontz stated he wished that data could be found to determine how many three-deckers were converted to more units for affordable housing.

Mr. Reynolds stated that in the Clark University area many of the three-deckers were expanded internally without providing any additional parking spaces. That is not generating affordable housing.

Mr. Koontz replied that the owners of the buildings are renting out the apartments to the college students, who in turn get more students into the apartments. That is not a conversion of a three-decker for affordable housing.

Mr. Reynolds questioned if there is a definition for low and moderate income housing.

Mr. Koontz replied that it depends on the number of people in the household, the size of the unit, the price level of the rent and the people's income.

Mr. Russell stated that if a special permit is required for a conversion to more units of a three-decker, the Board of Appeals will take into consideration off-street parking. If the proposed changes are adopted, it would be impossible to receive a variance.

Attorney Murphy stated that the courts have ruled that many of the variances that have been granted do not have any grounds. If any abutter appealed the granting of a variance, the courts would overrule the Board of Appeals decision.

Mr. Keaney questioned what the situation would be if a three-decker was situated in an RL zone.

Mr. Koontz replied that a variance would be required for a conversion to more dwelling units.

Attorney Murphy stated that the existing clause in the zoning ordinance pertaining to conversions does not belong in the table of uses because it is not a change of use of land.

Mr. Donahue disagreed with that statement because if a property owner wishes to change the existing three-decker from three units to six units, it is a change of land use.

Mr. Reynolds suggested that the wording as proposed by Mr. Koontz regarding conversions be changed so that if the homeowner does not meet the parking requirements, he would have to seek a variance.

Mrs. Sadowsky questioned if this policy might be too restrictive.

Attorney Murphy replied that each case that comes up before the Board of Appeals has different circumstances and will be based on its own merits. The ordinance, as existing, allows non-conforming uses to expand by special permit which includes businesses in residential areas. If an expansion/conversion is going to be limited, then businesses in these areas should also be limited.

Mrs. Sadowsky moved that the Board recommend to the City Council that the proposed ordinance as written be denied,

1. Article IV of the Zoning Ordinance of April 29, 1980 and designated as Appendix D to the Revised Ordinances of 1986 be amended by deleting Section 3 (8) in its entirety.
2. Article X, Section 3 of the Zoning Ordinance of April 29, 1980 and designated as Appendix D to the Revised Ordinances of 1986 be amended by deleting Section 3 (a) in its entirety and inserting in lieu thereof the following:
  - (a) In all districts, structures may be converted to a different use and/or residential structures may be converted to provide additional dwelling units provided:
    - (1) the proposed use is an allowed use in the zoning district.
    - (2) the structures, as converted, meets all the dimensional and parking regulations of the Zoning Ordinance.
3. Article X, Section 5 of the Zoning Ordinance of April 29, 1980 and designated as Appendix D to the Revised Ordinances of 1986 be amended be deleting Section 5 (c) (2) (ii), which reads as follows:
  - (ii) A nonconforming use may be expanded upon a grant of a special permit by the Zoning Board of Appeals

and inserting in lieu thereof:

  - (ii) A nonconforming use may be expanded upon a grant of a special permit by the Zoning Board of Appeals provided the use of the structure as expanded meets the dimensional and parking regulations of the Zoning Ordinance.

and that the City Council amend the proposal as follows.

1. Article X, Section 3 be amended by deleting Section 3 (a) in its entirety and inserting in lieu thereof the following:
  - (a) Residential structures may be converted to provide additional dwelling units subject to the following restrictions and standards.
    - (1) Excluded from RS districts.
    - (2) Limited in RL districts, provided the structure as converted contains no more than two (2) units.

- (3) External appearance of structure remains unchanged except for new doors and windows, fire escapes and stairways. Fire escapes and stairways must be in the rear where practicable.
  - (4) The structure, as converted, satisfies the dimensional and parking requirements of this ordinance.
  - (5) The dimensional standards in (4) above, may be abrogated by special permit of the Zoning Board of Appeals.
2. Article X, Section 5 be amended by deleting Section 5 (c) (2) (ii) in its entirety and inserting in lieu thereof the following:
- (ii) A nonconforming use may be expanded upon grant of a special permit by the Zoning Board of Appeals provided, in residential districts, the use as expanded meets the parking regulations of the zoning ordinance.

Mr. Reynolds seconded the motion. The vote was unanimous.

Adjournment

Chairman Keaney adjourned the meeting at 10:00 A. M.