

Stoneham Zoning Bylaw Review Committee Minutes
Tuesday, June 6, 2023
Town Hall Second Floor Conference Room
6:00 PM

Members present: Kevin Dolan, Tim Waitkevitch, Ellen McBride, Bill Sullivan, Marcia Wengen, Tobin Shulman, Jessica Gerke, Erin Wortman, Cheryl Noble and Maria Sagarino

Also present: Town Administrator Dennis Sheehan

The Chair brought the meeting to order at 6:05 PM.

The first order of business was approval of the minutes from May 10, 2023. Ms. Wengen wanted to read over the minutes. The item was tabled until the next meeting.

Mr. Dolan had asked each member to take a look at Chapter 15 and make a list of two to three items they thought might need revision or removal or overall changes they'd like to see made. He went around the table. The members brought up the following:

Mr. Sullivan:

1. Definitions-Some are pretty obscure and some definitions are missing. It's ambiguous.
2. Accessory Dwelling Unit – 750 square feet is too small.
3. Residential B lot coverage of 20%
4. Puritan Values- Brought up microblading. He believes microblading is a form of tattooing. We cannot have tattooing unless you are in Commercial III.
5. Temporary garages all over town. Are they legal or not?

Ms. McBride entered the meeting at 6:12PM.

Jess Gerke:

1. Doesn't understand why we need East School and North School Overlay District. This prompted conversation about how many of the committee members prefer to move away from overlays.

Mr. Dolan asked Erin Wortman to explain the thought process behind overlays. Ms. Wortman provided a brief explanation. She explained that an overlay is much like putting on a jacket over your clothing. You still have the base zoning and the coat sits on the top. It's a district on top of a district. It will expand uses without touching the entire district. Mr. Shulman commented that Stoneham uses overlays in an unusual manner unlike other communities. In other communities they wouldn't redevelop a school in a district where it is not allowed and then make a special overlay just so we can allow that to go through. Mr. Shulman believes that those cases should be manageable with the ordinary language of the zoning bylaws without introducing an overlay district. Ms. McBride asked Ms. Wortman why she doesn't like overlays. Ms. Wortman responded that zoning should be straight forward and overlays tend to complicate it.

Moving back to the lists for Chapter 15:

Ellen McBride:

1. Overlays need to be looked at.
2. Plan for the future of the town with the zoning implemented and what's best for the community.
3. Would like to see less housing and promote more commercial.

Mr. Dolan added that at this time housing is the only thing banks are lending money for. He also mentioned all of the empty offices up and down 128.

Cheryl Noble:

1. Zoning Bylaws should be more user friendly. A use table is necessary.
2. Full review, page by page, letter by letter review needs to be done. Last recodification was 1985. We need to address things like doggy day care, microblading & medical spas.
3. Definitions.

Mr. Dolan agreed that dimensional and use tables are huge. It's the first thing you look at. Ms. Noble would like to see it be user friendly as well as business friendly. She'd like businesses coming in to avoid three boards and several meetings.

Marcia Wengen:

1. Definitions – She agreed with Mr. Sullivan. Anything mentioned more than once should be defined.
2. Preservation Bylaws – An example would be a demolition delay bylaw.
3. Missing bylaws- Aside from preservation, she'd like to talk about what else could be missing from the bylaws.

Tim Waitkevitch:

1. Agreed with user friendly bylaws with ease of understanding.
2. Zoning that allows a clear path forward without a lot of pain.
3. Agreed with page by page review for the transformational vision this board is looking for.

Maria Sagarino:

1. Agreed with user friendly but also would like to make it easy for people to get things done if they meet our requirements. Maybe allow more by right.
2. Accessory Dwelling- Would like to see bylaws altered so that if one relative moves out and another comes in that it can be approved without a public hearing. Would like to see the family member component expanded. Would like to see a larger size allowed.

Mr. Dolan explained that we need to balance the by right aspect because abutters still require input. As taxpayers they deserve to be noticed as to what's being developed in their neighborhood. He did agree with the swapping out of family members should not require notice

and public hearing. He thought an annual certification that nothing has changed might be a good idea. He also realized especially with the aging population that looking at the accessory dwelling bylaw is not a bad idea. He also understands making it easier for things to come in but you also don't want to take away from people having a say on what comes in. Ms. Noble added that you can change the avenue by which something is done. She mentions site plan specifically not needing to be done by the Select Board. She believes that you could also have the Zoning Board of Appeals handle the Special Permit especially if they can take care of necessary variances and the Special Permit at the same time. The Planning Board could hear site plan. Mr. Dolan agreed. He mentioned specifically that the accessory dwelling should be Zoning Board of Appeals. Ms. Sagarino added that when she was looking at requirements in other communities, most of their accessory dwelling units were heard by the ZBA. Mr. Sheehan mentioned in some communities they charge a fee to change the name of the family member occupant of the accessory dwelling. Ms. Sagarino would redefine family member. Ms. Wortman stated that it should be eliminated. Ms. Sagarino agreed that if the home is owner occupied who are we to decide who they have living in the unit. Mr. Sullivan stated that you can take out the family apartment and just make it an in-law. He continued to explain the purpose of the accessory dwelling (family apartment) bylaw was because we do not allow in-law apartments. Mr. Sullivan added that we should try to get all of the illegal in laws legal so that we know everything is up to code. Ms. Sagarino added that we should make the second kitchens legal as well because there are many illegal second kitchens in town. Ms. Gerke asked if renting the accessory units is allowed. Mr. Dolan responded that the bylaw is silent on rent. Ms. Wortman explained the difference between the accessory dwelling and a two family. An accessory dwelling only has one utility meter. Utilities are shared. Ms. Wortman added that we could allow both accessory dwellings and in-laws. She mentions the possibility of detached units. We have to look at solutions to the aging population. Ms. Noble added that the size has to change. Mr. Shulman stated that 750 is unreasonably small. A comprehensive look at accessory units is warranted. Ms. McBride would like to see these possibly count in the affordable inventory. She believes there is an affordable housing shortage. Mr. Shulman said housing is so expensive because there's a shortage. It's simple supply and demand. Mr. Dolan believes in the next ten years it will become more affordable. The demand will drop if people leave.

Tobin Shulman:

1. Would like to see clarity on how to create mixed use in some of our zones so it's not either I build an office or I build a housing unit.
2. Adding a bathroom in the garage should be allowed. Someone tinkering in the garage shouldn't necessarily have to leave and go inside the house to use the bathroom.
3. Agreed with microblading and Residence B lot coverage needing to be addressed.
4. Agreed with clarifying and making it user friendly. He mentioned Chapter 15 not being as concise as it could be.
5. Agreed with the page by page review of Chapter 15.

Ms. Noble added that allowed uses in accessory structures should be looked at. Ms. Sagarino asked about the setbacks, because the ZBA sees a lot of requests for relief for setbacks. Ms. Noble added that the setbacks could be looked at for rebuilding. Like you could rebuild up to the existing setbacks. It shouldn't be a problem as long as you don't increase the setbacks. Mr. Shulman mentioned that other communities have dimensional special permits, not every dimensional change is a variance. He added that some communities have bylaws that address if your house already goes over the side line setback say three feet. You're allowed to carry that

three feet as long as you don't go over. It's like being given permission to additionally violate that setback. Mr. Dolan added that you could even leave that to Ms. Noble's discretion with the building permit. Mr. Dolan doesn't have a problem with carrying the nonconformity down.

Erin Wortman:

1. Agreed with table of uses.
2. Agreed with definitions.
3. Central Business District- We want mixed use in that district but everything requires a Special Permit and Site Plan. Why? Too many things require permission in that district.
4. Accessory Dwelling – Agreed that we need to review size, occupants and what you should be able to do within the foot print. We can look at a tiered system. She added that it drives her nuts that in Residence B that allows 2 family by right, a single family that wants an accessory dwelling needs a Special Permit.
5. Commercial Districts- Are the uses appropriate in 2023.
6. Should Medical/Office/Residential District be expanded to some Commercial and Highway Business District? She believes we should eliminate some districts.
7. Get rid of Overlay Districts.
8. Clean up dimensional regulations. There are too many footnotes.
9. Corner Lot setbacks.
10. Use of diagrams. Pictures my help define.
11. Off Street Parking doesn't address bike parking, shared services like Uber Eats, Lyft and other things. Should we talk about that?
12. Central Business District- Special Permit required for parking supplied in Central Business District. We did a parking study. There is plenty of parking in the downtown. Doesn't believe it should be a Special Permit. Question is should we require onsite parking for nonresidential use in the Central Business District.

Tim Waitkevitch exited the meeting at 7:57 in order to attend his Select Board meeting which was about to begin in the Hearing Room.

Mr. Dolan indicated that we'd reached the expected hour. We should choose the next meeting date. Ms. Wortman mentioned we hadn't discussed the scope and the funding for a consultant. Ms. Sagarino added that ARPA funds had been mentioned. American Rescue Plan Act money that the Select Board controls. Ms. Wengen asked if we could start the next meeting with agenda item 3 which was a discussion of the scope and funding. Ms. Sagarino agreed and stated that in the mean time we should be looking for quotes from companies/consultants that will help us go page by page. Mr. Dolan asked if we should go through it ourselves and then get a consultant or hire the consultant to go page by page with us. Ms. Wortman thought we should get funding and hire the consultant to guide us through the conversations. Ms. Noble mentioned that they wouldn't need the consultant to attend every meeting.

Mr. Dolan moves on to schedule the next meeting. He asked if July 11th was good for everyone. The committee was good with July 11th at 6PM.

Ms. McBride asked if there were any action items to come back with for the next meeting. Ms. McBride asked if they should continue reviewing the bylaw. Ms. Sagarino didn't think that would hurt. Mr. Shulman thought it might be a good idea to look around at bylaws in other communities. Ms. Wortman added that we would talk to April Lanni the Procurement Officer to

get at least three quotes. Ms. Sagarino said that when we have the names of those people, we can look at bylaws in the communities that they've consulted for.

Motion to adjourn was made by Ms. McBride and seconded by Mr. Shulman. All members were in favor.

Meeting adjourned at 7:06 PM

Respectfully submitted:

Maria Sagarino
Town Clerk