

WAREHAM PLANNING BOARD MINUTES

Monday, July 11, 2011

7:00 P.M.

Memorial Town Hall

Lower Level Cafeteria

- I. **CALL MEETING TO ORDER** – The meeting was called to order at 7:00 pm by Chairman Barrett.

II. **ROLL CALL**

George Barrett, Chairman
Mike Baptiste, Vice Chairman
Alan Slavin, Clerk
Charles Klueber
Mike Fitzgerald, Associate Member
John M. Charbonneau, Town Planner
Walter P. Cruz, Sr., Board of Selectmen Liaison

III. **PRELIMINARY BUSINESS**

None

IV. **PUBLIC HEARINGS**

None

V. **CONTINUED PUBLIC HEARINGS**

None

VI. **ANY OTHER BUSINESS/DISCUSSION**

- A. Discussion- RE: Accessory apartments – Anthi Frangiadis

Ms. Frangiadis had the opportunity to work with the accessory apartment bylaw in a neighboring town in Marion and it seemed to be fairly straight forward and address a lot of issues that we have in Wareham. Ms. Frangiadis wanted to come before the Planning Board informally because you are the keepers of the Zoning By Law and you need to consider adopt such a regulation. The existing bylaw, I have on the last page, allows for accessory apartments as an accessory use. An accessory apartment is basically an in-law apartment. It allows for accessory apts in General Commercial and not in Commercial Planning. The reason I bring it forward is because what struck me about the Marion By Law was that a Special Permit and it has a handful of Commissions, one that struck me the most was the last one, 570.3.8, of which, they require a certification about the apartment being occupied by an immediate family member or that it counts towards their affordable housing. I know that this accessory apartment issue has come before Town Meeting in the past, in 1990, and it was voted to further study. It has been 21 years and we took the opportunity to, when we were doing the Zoning Rewrite, to put it into the Use Table, however, nobody picked up the ball. I am basically here to offer some suggestions, I am not interested in a petitioned Article or being a proponent of the Article, but I certainly would be happy to work with the Board and the Town Planner if you so desire to put something together for Town Meeting. I think the economy is right, I think the amount of time is right, as well as the fact that as a Town, we are struggling or

constantly looking for ways to keep our affordable housing units counted properly. I think it would address a lot of the issues. Chairman George Barrett asked when we earmark something like this, deed restrict something like this, to be an affordable housing unit, what does that mean in reality. Eligible to be subsidized? Anthi Frangiadis answered that it would be eligible to be on our count. John Charbonneau, Town Planner, said it would have to be certified by DHCD to be on our SHI subsidized housing inventory. In Marion, they have adopted Inclusionary Zoning, which we did try in Wareham. Discussion ensued regarding family member vs. renting and who would monitor this. John Charbonneau, Town Planner, stated that this is very hard to enforce, he has seen affordable units being sold at more than the allowable percentage and having to spend a lot of time and money on legal services to chase down these people and get the money back but then it falls off the inventory (SHI). Town Planner Charbonneau said that he would caution the Board to not create something that will add something that may be impossible to monitor. George Barrett, Chairman, said as long as it counts towards the inventory who cares whether they are monitored or not. John Charbonneau, Town Planner, thinks this is a great concept but with all the 40B issues as it is..

Mike Baptiste said it is an accessory apartment, it gives the option to a lot of homeowners whether they are elderly or not, they could make a small apartment that would bring a supplement to their income, to keep them in their home and it is affordable because its not an outrageous amount for it. So, even if it doesn't count on the inventory, John Charbonneau, Town Planner, said, it is needed.

Mike Baptiste said it passifies a need and there is a need out there for affordable apartments.

George Barrett, Chairman, said he has one near him, put a room on for the grandmother and she has since passed and it has been empty since.

Mike Fitzgerald asked if or how this could be recorded.

Anthi Frangiadis said there is a requirement that the property owner would be required to live there.

John Charbonneau, Town Planner asked, is this proposing to expand where accessory apts are allowed.

"Yes", Anthi Frangiadis answered, these are just my thoughts and they way that we set it up was yes, in General Commercial and no in Planned Commercial and the By Law is mute on all other districts. My conversation with Ken Ferreira, Chairman of the Zoning Board of Appeals, he told me that people are applying to the Zoning Board of Appeals for a Special Permit for an accessory apartment and it doesn't meet the level of Marion requirements. It's a Special Permit vs. variance, people are applying for a variance for it and they are getting granted. George Barrett, Chairman, asked on what basis.

John Charbonneau, Town Planner, said it seems strange to me that we are talking about accessory dwelling units to dwellings and there is none allowed in any of the residential areas. Anthi Frangiadis agreed and further said, we did the chart and the supplemental regulations as drafted you need a Special Permit from the ZBA, so, my first comment was first thing for you to consider would be allowing for accessory apartments in all the Residential and all the Village zones via a Special Permit from the ZBA and then you may want to consider the GC, either changing that to an SPZ or changing that to a no, that's up to the Board. So, the remainder portion of the table, Conference, Industrial, Industrial would be no, my thought would be that accessory apartments would be allowed

in Residential by a Special Permit process. When we did put this in place we said yes for GC, that was a supplemental article by the West Wareham Strategic Planning Committee, they did not include any regulations for accessory apartments so i would stand right now that they are allowed in GC but there are no regulations. How we could tie the GC piece into a Special Permit language and some minimum standards, it will need some work and some discussion.

John Charbonneau, Town Planner, asked why 850 s.f. as a maximum. The 850 s.f. came from the Marion By Law, this was based on the Marion By Law with a few changes.

George Barrett, Chairman, asked if they just increased that from 600 s.f. A lot of homes, especially in Onset, are considered 600-700 s.f. so you don't want to add accessory apartments at 850 s.f., so, the way that the definition is drafted, is doesn't allow for an apartment in a detached garage.

George Barrett, Chairman, said that generally there would be a foundation connecting the two. John Charbonneau, Town Planner said, not necessarily.

In 570.2, the applicability, in Marion, they do not allow for new construction of an accessory apartment, it has to be within the existing building or accessory building. I thought that if you condition it further on to say that there is only one accessory apartment per lot, so, if you build a garage and obtain a certificate of occupancy, you can go back and then apply for an accessory apartment. The other issue that had come up in 1990, was the "grandfathering" of. Discussion ensued.

George Barrett, Chairman, said that his recollection of the construction of an in law apartment was that it could be constructed, however, without a kitchen. Mike Fitzgerald asked clarification of allowing accessory apartments for in laws and to have its own means of entrance and egress well defined you couldn't use the same front door of the house, most cases the towns wanted kitchens, they wanted the in laws to be self sufficient and not half hazardly done and it worked better in those towns and the residents knew what the regulations were and knew how to live by them and not sneak through something. In one town, there was a 2000 s.f. in law apt constructed.

George Barrett, Chairman asked if the reasoning behind not allowing free standing units. Anthi Frangiadis did not know the reasoning behind not allowing free standing units, the proposal that she has would allow a free standing unit.

Mike Fitzgerald commented on other towns and the septic system, water, the foundation had to match the current foundation and that worked.

Anthi Frangiadis said that you would have to show a plot plan, subject to Board of Health approval, an affidavit that requires the property owner to live one of the two units, the location of the apt or 50% ----- (inaudible) and the fact that it would be located within the principal residential building or within an attached building. Aesthetics and external appearance, parking and screening were discussed. The Special Permit is non transferrable, so that if you sell the property, the new property owner is required to apply to the ZBA for the Special Permit. These are some of the control measures.

George Barrett, Chairman, added that a condition also could be that it could not be subdivided sometime in the future. If you have a house and a garage and its prior to 1951, I suppose this could be added, said Anthi Frangiadis.

George Barrett, Chairman, added, but it was never identified as a dwelling before.

Discussion ensued regarding the baseline of affordable and amounts. John Charbonneau,

Town Planner, thought that it was 80% of the median household income and that there are different levels of affordability.

George Barrett, Chairman, said that since you were talking about Zoning Rewrite, there has been inquiry about the industrial land along Cranberry Highway in the Tobey Road area, however, the people have some opportunities to upgrade those properties but they can't do it in the Industrial zone. Anthi Frangiadis indicated that this was an area that required more work and we (Zoning Rewrite) did not have the opportunity, PC (Planned Commercial) was created for that particular area but it was not completed. The map changed and Town Meeting voted for further study.

The Chairman thanked Ms. Frangiadis for her time and discussion.

B. Master Plan committee - the Board discussed recommendations and guidelines and alterations that have been made to the existing Master Plan, however, no action was taken.

C. Beach access listing – Mike Baptiste indicated to the Board that there was a document that showed all accesses going back some years ago. One of the things that brought this up was that fisherman have been locked in and have had to go back and retrieve their vehicle the next day. There was more access to every beach area, pathways have been taken away as homes are built. Trusts have taken over the beaches in several areas, the beaches and water are not owned by anyone. Discussion ensued. If there is a way to catalogue this, it would be great. John Charbonneau, Town Planner will research this.

D. Route 28 zoning changes - there are inquiries on the stretch of land across from WalMart, there is developing interest, so, an example given is Maxi Gas, they have an opportunity to develop a new building with multiple uses, however, it is not allowed in industrial. We tried to change this a couple of years ago. When the Mall was coming in, we hired a consultant, they had grant money, there was a lot of concerns of the mixed use, a degregation of neighborhoods, that was all brought out in the Master Plan. GC still allows such things as a health club and can be more flexible. The last time we tried to do this, the legal description was critiqued at Town Meeting. Changing this area would open up more business opportunities.

VII. TOWN PLANNER'S REPORT

A. Sign By-Law Committee Update – no discussion

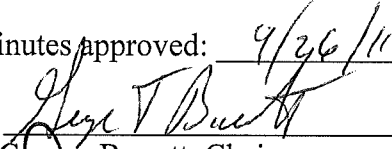
VIII. CORRESPONDENCE

In packets

IX. ADJOURNMENT

Meeting adjourned at 8:35 pm. Motion made by Alan Slavin. The Motion was seconded by Mike Baptiste.

Date minutes approved: 9/26/11

Attest: 
George Barrett, Chairman
WAREHAM PLANNING BOARD


Alan Slavin, Clerk
WAREHAM PLANNING BOARD

Date copy sent to Town Clerk: _____

