

Montague Planning Board

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March 12, 2013 6:30 PM
Town Hall Downstairs Conference Room

MEETING MINUTES

Members Present: Ron Sicard – Chair, Bruce Young, George Cook, Fred Bowman and Bob Obear

Members Absent: None

Staff Present: Walter Ramsey- Town Planner

Meeting was called to order at 6:30 PM by Ron Sicard

Approval of February 26, 2013 Minutes: Not available.

CONTINUATION OF PUBLIC HEARING: Zone Change 2013-02 Bylaws Section 5.4.7 (Minimum Square Footage for Dwelling Units).

The Planning Board will consider a proposed amendment to the Montague Zoning Bylaws Section 5.4.7 (Minimum Square Footage for Dwelling Units). The Board is considering striking the text of section 5.4.7 in its entirety but it will also consider amending the language to allow on special permit dwelling units with less than 700 sq ft of living space exclusive of basements, areas with less than six feet of ceiling space, porches, terraces and the like.

Guest(s): John Laprade, Allen Ross, Diana Allen, Denise Pinardi, Barbara Folan, Chris Curtis – Greenfield Recorder, Robin Sherman – FCRHRA, Barb Walker, Robert Walker, Elliot Tarry, Jean Dempsy and Tom Carroll

Proposed Zoning:

The Planning Board is considering striking the text of section 5.4.7 in its entirety but it will also consider amending the language to allow on special permit dwelling units with less than 700 sq. ft. of living space exclusive of basements, areas with less than six feet of ceiling space, porches, minimum dwelling unit size in Montague Zoning Bylaws, however Building and Health codes for dwelling areas will remain.

Walter R. from the Planning & Conservation department received 8 letters since the last hearing. These were distributed before the meeting for review.

Walt Berman – Montague Center, Mark Zaccheo – Olive Street Development, Kenneth and Olga Holmberg –Montague Center, Robin Sherman – FCRHRA, Montague Center, Elliot Tarry – Montague Center, Allen Ross – Montague Center, Jean and Paul Voiland – Montague Center, Richard Dingman – Montague Center, and Mary April – Montague Center.

Concerns and Issues included from residents addressed by Walter Ramsey:

The zone change would allow the population of Montague Center to double.

- This is simply not factual. To use the Montague Center school redevelopment as an example, the 22 units proposed by Olive Street Development would not even double amount of units in the block across the street. For example Main St, School and Station Street block has 31 living units in 23 buildings. The population the Montague Center Block Group is 1,379. The example stated above would increase Montague Center population between 2-3%.

Should you eliminate the minimum living area requirement for multi-family dwellings, large scale student housing projects will appear in Montague center in the near future.

- There are no zoning districts in the vicinity of Montague Center that would allow a large scale student housing project to be built. For comparison the Rural Business District (along Rt 63) allows multi-family only up to four units. The AF, RS, and AF-4 district that comprise most of Montague center do not permit multi-family use. Also I would very much doubt the likelihood of a municipal board permitting a large scale student housing project in the Neighborhood Business District (Montague Center School).

What is the Planning Department's perspective on the village of Montague Center

- The Planning Departments vision for Montague Center is line with the Comprehensive Plan and Open Space Plan which highlight the importance of preserving the unique identity of each village and to protect prime farm forest and farmland from development. One of the key strategies is to reuse historic structures in town. I would rather see people living in the center of the village where services are walkable rather eating up productive and picturesque farmland.

Why won't the town support the former Montague Center School building as a school or mixed use building?

- As planner I strongly prefer and encourage either one of those uses. Unfortunately market will not support either one of those uses right now. Allowing smaller dwelling units will help drive the economics behind mixed use redevelopment projects.

Will the Board retain the 700 square foot minimum for Montague Center, Lake Pleasant and Montague City while lowering the minimum for Millers Falls and Turners Falls.

- While the board appreciates the sentiment of keeping each individual village unique the residential district zoning for the centers of Lake Pleasant is the same as the center Montague Center and that is the same as "The Hill" of Turners Falls. Permitting smaller dwelling units, particularly in an existing building is not going to change the visual character on any village. This suggestion becomes problematic when the zoning is directly or indirectly being used to exclude certain types of people from one village or another.

A change in the bylaw should only be considered after a series of 3 or four public meetings to allow an opportunity for the community to participate.

- At this point the Planning Board has held two hearings on the amendment. There hearing process has received front page press in both the Reporter and Recorder so this process is happening publicly. State law requires only one hearing.

The Planning Board's timing is questionable

- At the last hearing many agreed the zoning should have been changed long ago and still needs to be amended. Just this week the ZBA received an application for a variance to construct single bedroom units in downtown Millers Falls. To use this scenario as an example: Many hearing participants agree that this would be an appropriate place for allowing such a use, however the Zoning Board's hand may be tied by having to issue a de facto NO. We don't know how many potential good projects have been passed up and how many more will.

The Town is changing the bylaws to avoid a lawsuit/ appeal.

- The Planning Board and Zoning Board are separate entities. The PB is a steward of the zoning regulations while the Zoning board acts more the ombudsman. The ZBA's decision to issue a special permit and variance on MC school has been appealed but a zoning change will not nullify that process. Future permits may be required. The effect of a zone change on that particular

proposal is of no particular consequence to the planning board. It is entirely legal for Town meeting to change the zoning regardless of pending resident appeals.

The Planning Board does not know what minimum size living units are healthy or appropriate (for the community).

- I agree and I do not think the Planning Board should regulate the minimum size either. 700 is just as arbitrary as 400 or any other. Building codes and Health codes have legitimate, measurable public interest in regulating the dimensions of a dwelling unit.

We need the Towns Boards and Officials to protect residents from diminishing home value and appeal due to “ill-advised” development.

- The town representatives value everyone’s opinions and abutters concerns are taken very seriously. The Town is trying to protect Montague residents from blighted buildings by enabling these structures to be reused and contributing rather than draining on the community.

Special permits are barely a hurdle since they are frequently granted.

- They are often granted because the applicant must meet certain criteria in order to apply. Think of it this way. Things can be allowed by right (This is what we want here) Thing can be allowed by Special Permit (This can be allowed here if you can demonstrate that you are not adversely impacting abutters and community). Special permit gives town boards the control to say no. An environmental impact statement and site plan review respectively examine 5 and 9 factors in the public interest. This process is required when a new use is over 5,000 square feet or 3 acres in land area. The real problem the board is trying to address here is the fact that variances, which should be granted sparingly, have a history of being frequently granted.

Montague Population has decreased from 2000 to 2010 from 8,489 to 8,437 how can there be a demand for smaller dwelling units?

- While population has declined by 52 people from 2000 to 2010 the number of housing units has increased from 3,616 to 3,694 (+78). Household size has decreased locally from 2.4 in 1970 to 2.31 in 2000 to 2.25 in 2010. How it is that population and average household size decreases while household numbers jump? People are choosing to live alone. The population living alone between 2000 and 2010 increased by 54 people.
- Zoning steers households to single family homes. This has the unintended implication of consuming more land per capita while population is stable/decreasing. This is a simple issue of sustainable land use patterns.

Demand for smaller apartments is not necessarily a good reason to promote or encourage a zone change.

- Half of all US residents are single (8 times as many as in 1950) and 1/3 of all households have one occupant. (Kleinenberg).
- Locally 1,206 people live alone in Montague (32.6% of all households) this is consistent with the National Average. Currently 436 people over the age of 65 live alone in Montague (11.8%) of households. These are the facts. The Board is not trying to change these facts, only to amend the zoning to proactively address them.

Using the Montague Center as an example: We know that the market shows a demand for 23 market rate units in Montague Center. There option as to manage this growth. Do you A) permit the units to be located in a the village center where there is walking access to food, recreation, entertainment and public transport b) allow the market to reflect the demand though allowing

new single family homes for every household or the construction of 4 unit dwelling units in Rural Business District or c) simply zone them out of your community and into another. I suggest the A is most in line with community goals.

Who lives in one bedroom market rate apartments?

- The types of people seeking this living situation are teachers, single moms, single dads, grandmas, young couples, future homeowners, graduate students, and people without kids and with expendable incomes. I encourage you to consider how these people contribute to your community. Condo- owners and renters are not sub-citizens. They are a significant part of the demographics of Montague.
- **Comments from audience:**
Elliot Tarry – The town and the developer are saying that the outside of MCS has character; whereas when speaking about individuals it is what is inside that makes up their character. What is inside MCS is 22 apartments and many different people. The point of wanting to put single-occupant units into a 400-500 square foot apartment space keeps coming up. Does a single dwelling mean small and more like an efficiency style apartment? The market shows us yes; but it is of course not limited to this.

Diana Allen- Rte 63 allows multi family dwelling units; this area is zoned rural business. A special permit allows multifamily dwellings on this road due to the fact that there were duplexes already on that road; it is considered a commuter road so it made sense. The units have to be on a septic system which puts limitations on the structure and how many units could be built.

John Laprade – Addressed the subject of density in town and that it was about keeping the character of the town. According to David Jensen, the density rule has expired and he feels that the square footage figures were too large and left in the exception that if you had access to public sewer and water available the density fact could be waived by the special permit process.

David Jensen- There are buildings (downtown) sitting on 25 feet wide lots with 5-8 units in them. There is a place for this type of building/living situation. The evolution of land use has gotten ahead of the building/zoning regulations and it is constraining the ability to make sensible housing decisions for the town.

Denise Pinardi – Is concerned with the coincidence/timing of the zoning change and the MCS being developed.

Bruce Young – As a new member of the PB six years ago he was given a packet of zoning changes. The PB at that time reviewed all changes and made a decision that they were great but no public showed up to give input so it was decided that it was too many changes at once and to take the changes as they come up for review. This process has been discouraging for past members and people have left the PB out of frustration that changes could not be implemented. Now we have the public interest and community involvement regarding some of these changes so it seems an appropriate time to discuss and get feedback.

Fred Bowman – If you look at downtown Turners Falls were the buildings on the side street are in poor condition and up for sale. If you have the flexibility of dwelling unit size you might entice developers to come in and rehab the buildings and increase property values in that area which would then generate tax revenues. There are protections for multi-dwelling units through the ZBA process. The permit for MCS has already been given through the ZBA process.

Richard Colton - There is a permit issued with a variance that is currently being contested.

Robin Sherman – Exec. Director of FCRHRA along with Rural Development Inc. which is a mission driven developer organization for affordable housing. Robin supports the elimination of minimum square footage bylaw. In fact she helped to write them when she was a resident of Montague Center/Town Planner for Montague. The trend is for affordable smaller dwelling units. In general the household population in Montague/Franklin County is 2.32 people and in rental households 2.0 people. There is a need for affordable housing for young people, seniors and veterans. The average senior citizen household income is \$13,000 per year in Franklin County. This income level does not allow a senior citizen to be able to stay in their home; instead they need to seek out affordable housing. Veterans are another segment of the population that needs affordable housing especially when using VASH rental vouchers. The Veterans' Administration only lets them live independently without assistance to be successful. Sustainable Development findings – low rental vacancy rate in Franklin County = 2%. The norm is to have a 5% rental vacancy rates. This 2% rate drives prices up and makes it hard to find rental housing. The need is for 2,000 more housing units in the next 20 year even though the population is shrinking the needs are changing. The housing chapter recommends building in town centers, reusing existing structures to limit consumption and promote efficiency. Montague was designated a Green Community in 2010 and having smaller units will consume less resources in terms of construction and operations. The trend in housing is smaller living units all over the country and the world- “tiny homes”. The FCRHRA did a senior development in Gill, MA where the unit size is 540 square feet and this was met with a lot of opposition at development time. Since then, there is no opposition and a long waiting list for the units. The redevelopment of Montague Center School represents all individuals in different phases of their lives. Robin S. shared her life experiences and her living experiences in Montague Center from her youth into adult life.

Allen Ross - We have to be thinking of repurposing older homes and making them useable for the current size of families and more energy efficient. The best neighborhoods are diverse ones with lots of activities and affordable housing options.

David Jensen – The 500 square foot living space has both research and design elements behind it that is quite livable. If the town continues to accept that apartment sizes can only be changed with a variance we are severely limiting our development and its options now and into the future.

Robin Sherman – FCRHRA uses the comprehensive term option through the Chapter 40B process if the town has not met a 10% rate of long-term, subsidized and affordable housing then a developer has this as another option which does not have to comply with town zoning and is harder for the town to turn the proposal down. If the town has met the 10% rate then a developer can come in and propose a development that does not meet zoning options and the town has the right to turn it down. If you are a developer there is a very small margin of profit – it is not easy to break even in the development of affordable housing.

Federal Affordable Housing definition: states that no more than 30% of your income should go towards housing costs. This is calculated a bit differently for renters and homeowners. Renters (rent and utilities) and homeowners (mortgage and taxes).

The Federal Government defines low income as 80% of area median income, very low income as 50% of area low median income and extremely low income as 30% of area median income.

When you add to the stock to the housing market it helps the entire market.

Bob Obear – States if the towns people run this developer out of town another developer could come and since Montague has not yet met the 10% rate of long-term, subsidized and affordable housing that developer could put in tighter density in the MCS and make it all low income dwellings. The town in this case would not have any recourse.

Fred Bowman – We have to consider the market we have and where that places individuals in what is considered “affordable” housing.

Mary April –States that the housing is at 12% according to Sam Lovejoy and some materials that were passed out through him.

Allen Ross – supports the MCS project with the bylaw changes. Montague Center is not the only village that this will impact there are 5 villages that make up Montague, MA. This process is expensive and if this goes on it might go to an auction and a lot of unknown factors from there. It costs \$10,000 a year for the town to maintain the building at minimum standards.

Robin Sherman – Explained how the state calculates the percentage of households that count toward the chapter 40 B threshold. The state publish a subsidized housing inventory which is the official document to say if you have met the 10% threshold in your town for affordable housing depending on what is available for housing stock at the time. To be on the list the property needs a long term deed restriction to consider it affordable to low income households. Currently the subsidized housing inventory list is out of date as it states that Montague is at just about at 10%. If you take the properties that are incorrectly listed off the list you are below that threshold. The 82 unit Powertown apartment complex are listed and the affordability restrictions are just about to expire.

Bruce Young - The ZBA has been treating variances like special permits. The variances speak to the outcomes. We have a chance to make a zone change by right with special permit or change the zoning totally to make it consistent with the rest of the town.

Montague Center is designated as a Historic District.

David Jensen – The minimum floor area bylaw has some areas that have been stricken that need to be clarified.

- Home occupation permits and the work they represent have change drastically over the last 10 years to be more of a home office situation.
- Single-family dwelling units are not regulated. Multifamily housing is where the apartment size regulations should be.

Walter Ramsey – The Montague Energy Committee wanted to voice an opinion through a letter that they support zoning rules that encourage innovative, affordable and sustainable housing options which the current restrictions seems to impede.

Motion made by Bob Obear to close the public hearing on Zone Change 2013-02 Bylaws Section 5.4.7 (Minimum Square Footage for Dwelling Units). Seconded by, George Cooke. Bruce Young abstained from the vote.

Motion made by Bob Obear to recommend to the Board of Selectman to place on the warrant at Town Meeting a motion to accept option c for the proposed special permit reduction to 500 square foot

minimum for each multifamily dwelling unit no less than 500 square feet of living space exclusive of basements, and areas with less than six feet of ceiling space, porches, terraces and alike. Relief may be granted by special permit by the Zoning Board of Appeals. Seconded by, Fred Bowman. Bruce Young abstains from the vote.

Motion by, Ron Sicard to close the Planning Board meeting. Seconded by, Bob Obear. Meeting adjourned at 7:58 PM

Approved by: _____ Date: _____