



# Town of Westminster

MASSACHUSETTS 01473  
FROM THE OFFICE OF THE  
**PLANNING BOARD**

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Jon Wyman, chairman

Marie N. Auger, vice chairman

Michael Fortin

Andrew Rice

Linda Wiest

## MINUTES OF REGULAR MEETING

August 23, 2016

Room 222, Town Hall

Attendees: Jon Wyman, Marie Auger, Mike Fortin, Linda Wiest, Town Planner Stephen Wallace

Absent: none

Additional Attendees: Mr. Don Barry

7:00 p.m.

Jon opened the Planning Board meeting and informed those present the meeting was being audio recorded.

7:00 p.m. - *Minutes*

Jon asked PB members to review the August 9, 2016 meeting minutes. Jon mentioned a small typo that needed to be corrected. Marie motioned to approve the minutes. Seconded Linda. Voted AIF.

7:03 p.m. - *Minor Modification to an approved site plan – adding handicapped spaces to the Senior/Community Center, 69 West Main Street.*

Mr. Don Barry described a marked up proposal and modification to the existing parking plan which showed the addition of six handicapped parking spaces in place of existing regular parking spaces. Mr. Barry told the Board that there were presently only four HC spaces. The increasing use of the Center has created a need and request for more HC spaces. Mr. Barry told the Board that last month 939 people used the building. Large events have created complaints there are not enough HC spaces.

The plan presented by Mr. Barry appeared to show the proposed placement of the spaces in an area that was not yet paved. After discussion, it was decided that the proposed location of the HC spaces appeared to have been incorrectly located on the submitted marked up plans. The PB was in support of the request to create the additional spaces but it was decided that the plan should be modified before the PB would vote on the amendment to the site plan. Mr. Barry will return to the next meeting to present a new modified plan of the proposed parking spaces. Stephen will add as an agenda item to the next meeting.

7:15 p.m. - *Planning Board work session on Chapter 205 – Proposed changes to Residential Zoning.*

The PB reviewed the materials Stephen had distributed prior to the meeting showing other Towns zoning bylaws in regards to Accessory Dwellings, Inclusionary Zoning, and Home Occupations.

Stephen will continue to work on a draft for the related residential definitions section and a draft regarding location of sheds.

### Home Occupations:

Stephen told the Board that most Towns have a separate section of their bylaw that deals with Home Occupations. Presently Westminster only lists some home occupations in its Table of Uses.

Linda told the Board she liked what Princeton had done with their home occupation bylaw because it states they do not want to adversely affect property values. Marie told the Board that zoning wants to define these occupations, but it is difficult to define all home occupations that should be allowed

because they are constantly changing to keep up with the changing times. Computer repair and computer related occupations for example. Some of the present home occupations such as millinery are a bit outdated. Marie suggested anything be allowed as long as the standard nuisance language applies: no noxious odors, no noise, no dust etc. Stephen noted that the present zoning definition of Home Occupation is fairly broad and maybe just needs to be updated. There was discussion about agricultural farm stands and State law exemptions and definitions for farms stand sales.

Mike suggested that we start by identifying where our standards fail right now. Stephen told the Board the issues he is aware of are things like hours of operation: starting really early or late into the night and large trucks starting up early in the morning or parking close to property lines are issues the Town presently has.

Stephen asked the Board whether some uses should be limited to different zoning districts. Mike said he felt that the examples Stephen had given were always going to become nuisances no matter what residential district they occurred in. Large motors starting too early or late would always be a nuisance. Stephen identified that the Westminster bylaw lacks performance standards. Mike suggested we just add performance standards. Linda liked the “low visibility” provision in the Princeton Bylaw.

Stephen asked again whether home occupations should be allowed everywhere by right, limited to certain districts, or some allowed only by special permit. Marie advocated for “by right” everywhere. Mike agreed. Jon asked what the appetite would be for change or special permitting at Town meeting.

Stephen noted that the Economic Development chapter of the Master Plan had noted the fastest growing job segment between year 2000 and 2010 was work from home. It had gone from 3% to over 10%. Mike opined it would only continue to grow in the internet work world we were living in. The Board agreed that Home Occupations should continue by right.

Next the Board looked into performance standards. Marie told the Board you can limit uses with performance standards as long as you have a purpose section that explains your intentions for doing so. Items like the amount of additional employees allowed on site should be removed from the table of uses and incorporated into performance standards. Stephen suggested bringing in language from Princeton's purpose section and performance standards, and then incorporating enforcement language with the help of the new Building Commissioner.

In conclusion, the PB will propose to continue to allow home occupations by right and Stephen will incorporate work from the Princeton model to draft a bylaw that includes a purpose section, performance standards, and enforcement section.

#### Inclusionary Zoning:

Stephen told the Board there are still some large tracts of land that could become developments in the future. Towns can employ stick and/or carrot approaches to inclusionary zoning. The stick approach requires developers to provide some number of affordable housing units to their projects until the State required 10% affordable housing number is achieved. The carrot approach allows a density bonus for developers who add the affordable units. Some towns adopt a combination of both. The Board reviewed the State model bylaw and rejected the idea that money be applied in lieu of affordable housing units to be then spent by a housing authority. Westminster does not have the institutional capacity to implement Town owned affordable housing projects.

Basically inclusionary zoning, no matter how written, is a way of trying to catch up to meet the State requirement of 10% affordable housing. The entry level threshold for inclusionary projects would be six homes or more. Linda wants to make sure that local residents are given first option for occupying affordable units. After discussion, it was decided that Stephen will work from the Charlton model, but remove the incentive provision.

#### Accessory Dwellings:

The Board reviewed the present accessory dwelling section of our bylaw. Linda noted that our present zoning only allows accessory dwellings in the R-III district. Marie pointed out that two family or duplex dwelling was already allowed by right in the R-I and R-II districts. There was much discussion about the cost of improvements for an “in-law apartment” and covenants and special permitting that restricted possible further use of the unit in the future. Mike told the Board in most cases it did not make financial sense to add improvements and then restrict those improvements from being used beyond one set of occupants without a special permit. The PB agrees that the Town should protect property values and its rural character but to over-restrict uses that require a substantial investment in a home makes little sense. After more discussion it was agreed that Stephen will work from our existing bylaw, beef up the purpose section and build in provisions that 1) the home be owner occupied, 2) allow these units in all three residential zoning districts plus the Village Center, 3) the accessory unit can continue on as a legal apartment after the expiration of the owner or sale of the home.

In terms of work schedule, Stephen will work to have drafts of all three bylaws ready by the September 13<sup>th</sup> meeting and the PB will use the second September meeting (9/27) as another zoning amendment working meeting.

8:25 p.m. *Town Planner brief on possible Aldrich property housing development meeting.*

Jon asked Stephen what had transpired at the “friendly 40B” meeting that had been recently held. Stephen and Linda spoke of attending a preliminary staff review meeting with Mr. Paul Aldrich in seek of support for a possible 40B housing project off Adams Street downtown. Mr. Aldrich has presented a number of options for projects in the past and is this time around seeking support of the Selectmen for a project that would bring a series of 5 buildings containing between 16 and 22 dwelling units, 2 and 3 bedrooms each. Twenty five percent of the units built would be affordable (and would count as affordable housing inventory towards the State targeted goal of 10%).

Mr. Aldrich is seeking a letter of support from the Town that will allow him to go to the DHC (Department of Housing and Community Development) to seek funding options to move forward. With Town support, the project would then be part of a Local Initiative Project (LIP) where the State provides support assistance to both the Town and developer to see the project through. If the Town does not offer support he would have to seek out a letter of determination that the project qualifies as a 40B from the Mass Housing Partnership(?) before it could be submitted.

Mike informed PB members that he has worked on various projects for Mr. Aldrich in the past. Mike told the Board to his knowledge, the project that would be submitted would not be anything he had worked on, but felt it would be in the best interest of the PB and Town if he did not vote or participate in any PB reviews that the project would require.

8:34 p.m. *Adjourn.*

Linda made a motion to adjourn. Marie seconded. The PB voted AIF to adjourn.

4 Pages of Minutes  
Respectfully submitted,  
Michael Fortin

11 Attachments :

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- 1) Marked up copy of 11x 17 page of Senior Center parking plan. Not dated. 1 page.
  - 2) Letter from Senior Center /Don Barry requesting minor modification to Site Plan. Not dated. 1 page.
  - 3) *Accessory Apts - Sample Bylaws.pdf*
  - 4) *Berlin IZ Bylaw.pdf*
  - 5) *Charlton IZ Bylaw.pdf*
  - 6) *Home Occupation - Sample Bylaws.pdf*
  - 7) *IZ-Bylaw.pdf*

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- 8) *Model ADU-Bylaw.pdf*
  - 9) *Princeton Home Occs.pdf*
  - 10) *S10.4 - Home Occupations East Hampton.pdf*
  - 11) *Westminster ADU - Section 205-37.1.pdf*