

**Buckland Planning Board
Meeting Minutes
September 28, 2021 6:30 p.m.
Meeting Via Zoom**

Agenda

The Town of Buckland Planning Board will hold a public hearing on Tuesday, September 28, 2021 at 6:30 p.m., via remote link. The purpose of this public hearing is to provide community members with the opportunity to comment on the proposed revisions to Buckland's Zoning Bylaws.

The proposed revisions to the Zoning Bylaw include the following changes:

- 1) Amend Section II Definitions to add a new definition for modular homes and to revise the definitions for accessory apartments, trailers and mobile homes; amend Section IV Use Regulations to add Accessory Dwelling Unit (ADU) - Detached as an allowable use by Special Permit in all zoning districts except Industrial; adopt a new Section 4-4 Accessory Dwelling Units (existing sections 4-4 to 4-6 will be renumbered);
- 2) Amend Section 5-2 Dimensional Schedule to revise the minimum lot area required for the Village Residential, Village Commercial, and Historic Industrial zoning districts from 20,000 square feet to 10,000 square feet, and revise the minimum frontage required for the same three districts from 100 feet to 75 feet; and
- 3) Adopt a new section 6-3 Village Open Space Residential Development (VOSRD) (existing sections 6-3 and 6-4 will be renumbered).

A copy of the proposed revisions are available for inspection in the Town Clerk's Office, 17 State Street, Shelburne Falls, MA 01370, during the Clerk's regular business hours and on the Buckland Planning Board's website, <https://www.town.buckland.ma.us/planning-board>.

Documents are also available on the town website as attachments to this agenda.

Attendees

Planning Board Members: John Gould, Michael Hoberman, Andrea Donlon, Brian Rose, Jon Wyman; Mary Bolduc, Boards' Clerk; James Sullivan, Falls Cable; Alyssa Larose, FRCOG; Chris Skelly; Christopher Lenaerts; Ellen Kaufmann; Marilyn Kelsey; Leslie Grinnell; Mary Knipe; Sharon Gilmore; Bill Ivey; Cheryl Dukes; Dena Willmore; Horace Taft; Marti Ferguson; Julia Godfrey; Margaret Olin; Vicki Selleck; Rob Riggan; Brian Summer; Jake Krain; Maya Nayak; Janice Sorenson.

Meeting/Hearing

Hearing was opened at 6:30 by Michael Hoberman, Planning Board Co-chair. Board members introduced themselves and Mr. Hoberman introduced Alyssa Larose of FRCOG who had been instrumental in helping the Planning Board to draft the bylaw.

Mr. Hoberman explained the format of the hearing, its intent, and stated that the bylaw had been reviewed by town counsel.

Mr. Hoberman recapped the hearing agenda to be presented and open for discussion: the process to date; results of the 2016 Housing Survey, documentation of the Board's efforts to publicize hearings, meetings, and forums and solicit feedback; the ultimate goal of the zoning changes; 2020 Housing Choice Legislation; and map of Buckland's zoning districts.

Brian Rose presented the next portion, first giving an explanation of the the three major sections to be covered: ADU's, lot size, and VOSRD which includes cluster and cottage developments. Mr. Rose addressed ADU's, both attached and detached, following the power point presentation and expanding on that information. Questions arising from this portion of the hearing included:

- > Can you put an ADU on a non-conforming lot? Ms. Larose answered that it could be done but must comply with setbacks and lot coverage requirements.

- > Will that make the lot more non-conforming? Ms. Larose answered that it would not. Mr. Gould added that if lot sizes change, then perhaps a current non-conforming lot will become conforming.

- > Is it allowed in all zones? Answer: yes, except Historic Industrial

- > What stops an ADU from being an Airbnb? Mr. Gould responded that the bylaw would not prevent income opportunities for property owners, but would provide protection against non-residents buying property to rent out, through the owner/occupancy requirement.

- > Can there be multiple ADU's on a one acre house lot? Will be covered later in presentation under cluster and cottage development.

- > How is residency verified? Ms. Larose answered that a notarized letter stating residency is an option and language could be changed to tie residency to the deed.

Jon Wyman presented proposed lot requirement changes, explaining the slides and charts, comparing percentage of conforming vs non-conforming lots under current zoning and again according to proposed lot changes. Questions/comments following this portion of the hearing included but were not limited to:

- > How many properties currently could be divided? Although Ms. Larose stated that it would be difficult to arrive at a specific number, she and Mr. Wyman addressed the question from several aspects. Ultimately, Ms. Larose stated that changing dimensional requirements would better align with existing development patterns in the village.

- > Can you use an ADU for business then later for housing? Mr. Gould responded that it would have to go before the Building Inspector.

- > A question was asked about a flag lot. Ms. Larose answered regarding process for subdivision and creating frontage.

- > How can smaller lot size make housing more affordable? Brief discussion followed.

- > Are articles being voted on separately at Special Town Meeting? Answer: yes.

Are articles open to amendment from the floor at Town Meeting? Mr. Gould responded yes, but advised that is not the best process for amendment and to please consider articles in a deliberate fashion.

> Comments also made referring to Northampton bylaw changes to allow condos, and instances noted where a project did not follow original intent.

Andrea Donlon introduced Village Open Space Residential Development and Cottage Housing. She explained density bonuses, public access to open space, cited specifics of the scenario/visualization for 100 North Street, and referenced the 2005 VOSRD development with frontage on Wilde Road and State Street, emphasizing that this project would have been made easier with the proposed zoning changes. John Gould addressed cottage developments, how that format differs from cluster development, and referred to the visualization of the example given for the police station lot on Conway Street. Questions and comments following this portion of the presentation included, but were not limited to:

> Who owns the open space in such developments? Various scenarios were given in answer including land can be owned by a Home Owners Association HOA, a conservation land trust, or given to the town.

> Is this a condominium set up? Ms. Larose answered that it allowed for a variety of ownership possibilities.

> Are we segregating people in this model? Elderly? Disabled? Mr. Hoberman answered that it is intended to address anyone.

> Example given of Highland Village in Shelburne stating that its residents are not integrated into the town. The way this portion of the bylaw is presented, it sounds like segregation. Mr. Gould answered that it is being presented to the community at large and not directed at one constituency.

> Questions were asked about parking space allocation and siting.

> Orientation of units should be required to allow for solar energy and there should be design guidelines.

Further questions and discussions included:

> Questions on tax base, revenue, and infrastructure.

> Deed restricted Affordable housing vs naturally occurring affordable housing resulting from market trends.

> Attached vs detached ADU's.

> Thoughts expressing threats of short term rentals to neighborhoods, village as a whole, and not being a "housing" solution. Board members and Ms. Larose responded with the income advantages offered by short term rentals and the fact that they can occur in any structure, not just ADU's.

> Overwhelming amount of content; can Planning Board whittle it down?

> Concern was expressed over the possibility of senior housing on the police station lot and that model would not provide revenue for the town. Mr. Gould and Ms. Donlon explained that there is no plan for senior housing as such in this bylaw. The police station lot scenario/visualization was just an example of a cottage development the units of which would be available to anyone. This is not a pending project, only an example of what is possible.

Questions were posed both verbally and via zoom chat and were addressed by Board members and Ms. Larose. Not all are captured here, but a large number are included which represent the overall content of the hearing. The hearing in its entirety can be viewed on Falls Cable.

The next steps following this hearing were discussed and reminders were given that all Board meetings are open to the public. All attendees were thanked for their time and participation. Michael Hoberman closed the hearing at 8:07 p.m.

Respectfully Submitted by Mary Bolduc, Boards' Clerk, October 31, 2021
Amended at PB meeting 1/20/22