

Newburyport Affordable Housing Trust
Meeting Minutes

<u>Meeting Date:</u>	Thursday, May 21, 2015
<u>Meeting Location:</u>	Mayor's Conference Room, City Hall
<u>Members in Attendance:</u>	Madeline Nash, Karen Wiener, Mayor Holaday, Susanne Cameron
<u>Members Absent:</u>	Judy Tymon
<u>Staff Present:</u>	Kate Newhall-Smith, Planner, Andrew Port, Director of Planning
<u>Minutes Taker:</u>	Kate Newhall-Smith

Wiener called the meeting to order at 6:30 p.m.

Discussion: Zoning Rewrite Project: Courtney Starling, AICP, from Community Opportunities Group (COG), is in attendance to discuss the City's zoning rewrite project and to listen to the Trust's ideas as to how to incorporate affordable housing incentives/directives into the ordinance.

Starling gives an overview of the project and steps taken to-date. She states that the project is a revision of the current ordinance and that the "bones" of the document will remain. Her task is to clean it up, streamline processes and create a document that is easier to read and implement. The project is a partnership with the City in terms of teaming up to address the various sections.

In terms of affordable housing, Starling states that an Inclusionary ordinance addresses this issue across all districts. In Starling's experience, developers haven't automatically balked at this so long as the parameters are clear and they are aware of what the issues are up-front as they make financial decisions.

Wiener states that the Trust has not had a lot of experience negotiating with developers regarding the provision of affordable housing. Starling responds that developers are not necessarily opposed to providing affordable housing, but need clarity in terms of the City's expectations.

Nash states that the City is losing rentals; this isn't inherently negative, but losing rental stock means losing housing diversity.

Cameron stating that some property owners in Newburyport are listing their homes on Air BnB to get prime rental income for very short term, vacation use. Starling states that the State is putting together legislation to address Air BnB and similar companies that will have some sort of review and licensing process to protect both the community where the rentals are located and the customer who is renting.

Nash asks if there are communities that are limiting condo conversions through zoning? Starling responds that regulating type of ownership is inherently discriminatory; however some communities are incentivizing applicants to voluntarily restrict the type of ownership of a property on its deed through the local permitting processes.

Port states that there has been concern regarding poorly designed infill development due to recent ZBA decisions in various neighborhoods. Starling states that addressing the design issues and creating standards for projects may result in a more receptive public and acknowledges that the ZBA is constrained in terms of design review.

Mayor states that there are inconsistencies across the City's boards regarding design review. The public is asking for design review, which is likely a result of a few recent projects that were permitted. Starling states that the main issue is where to do review and which Board will do it. She believes that design review may be best under the Planning Board through its already-established Site Plan Review process. Since there is heightened interest in preservation of structures, Starling suggests sending relevant projects to the preservation community first, who may act in an advisory capacity.

May 21, 2015

Starling states that design review doesn't really belong to the ZBA since zoning doesn't address attractiveness. Port states that the ZBA may not have the power to really push back on design issues since the Board must operate within the confines of the Zoning Ordinance.

Mayor asks how design review typically works in communities. Starling states that it varies. Some places have their own design commissions. Smith reviews Beverly's process who had an advisory Design Review Board who reported out to the Planning Board; the Planning Board more often than not, incorporated the DRB's recommendations into the final Site Plan approval. Starling is hesitant to create a new board in the City, but if this is something Newburyport is interested in, the board could be comprised of representatives from the various other boards/commissions so that any information that the group discusses will be reported out to the other City entities.

Mayor asks about in-law apartments. Nash is in support of accessory apartments that are not limited solely to family members. She is not sure she agrees with design standards to make the structure look like a single family.

Cameron states that the population is aging and this is why accessory apartments are needed, not to provide income for people. Starling does not recommend regulating who lives in the accessory apartments. She reinforces that accessory apartments are not eligible for counting on the Subsidized Housing Inventory (SHI), but they will add to the housing diversity in the City. The units may be regulated by size or by percentage of the main structure.

Nash asks if the accessory unit could be sold. Starling responds that they may not be sold as a residential unit distinct from the main structure. Reworking the in-law apartment ordinance may be a mechanism to make illegal units legal, which is a matter of public safety in terms of fire safety.

Wiener asks if there is an incentive to make the accessory unit affordable. Starling responds that if the units are true accessory ones, they are typically small, which naturally keeps the rental price low. She also states that if the ordinance is too prescriptive then property owners will not use it and it won't be successful.

Wiener has heard the opinion that inclusionary zoning and accessory apartment ordinances do not result in many additional units on the ground. Starling responds that it depends on where the ordinances are and how strong the housing market is.

Nash asks what Starling would suggest as ways to increase affordable housing in the City. Starling responds that an overall inclusionary zoning ordinance would benefit the City that has a development trigger of ten residential units.

Nash asks about waterfront district and the mandate of having 10% of the units developed there deemed affordable. Should the City increase this percentage? The Mayor states that NED has a preliminary design for the waterfront and it does not currently incorporate affordable units.

Nash inquires if providing affordable units off site is allowed in the current zoning. Smith responds that as it is currently written, there is no provision to allow this.

Nash asks about how to encourage mixed-use development. What role can the Trust take to encourage mixed-use development that includes an affordable component? Starling responds that the City can offer incentives like density bonuses to encourage this type of development. Nash would like to see mixed-use zoning that incorporates an incentive or bonus of some sort for affordability, outside of the 40R district, on a smaller scale than the 40R.

Wiener asks about the City-owned property on Water Street, next to the sewage plant. The Mayor does not think that this parcel is good for housing since it's between the power station and the sewage treatment facility. It's best use may be for a boat yard, rather than residences.

May 21, 2015

Starling asks the Trust how the group feels about creating standards in terms of minimum unit size, amenities and finishes for affordable units and putting these into the Zoning Ordinance. She states that creating such parameters is useful to developers so they are able to factor these things into their project pro formas.

Wiener asks about the next steps in this process. Starling responds that achievable changes include amending the accessory apartment ordinance, studying various parcels to determine how to create mixed-use zoning with affordable incentives that will be effective. She suggests that studying what parcels could be redeveloped in this way will drive how the ordinance is crafted; perhaps an overlay is the best way to address this.

Cameron states that Section VI-C needs to be addressed. Starling responds that the ordinance has an intent that has no relationship to how it is functioning. The intent of the ordinance is to provide safe access to emergency responders for the second unit. Since there is no nexus between safe access and the listed public benefit options, public benefit should be moved out of this section. Also, the City is missing opportunities as far as what triggers the section. Commercial properties do not have to provide public benefit in the same way as the residential ones do. Starling would like to tie public benefits to relief other than allowing a second residential structure on a lot. She stresses the need to have nexus with a public benefit, i.e. waive parking spaces in return for bike parking and support of shuttle service.

Starling closes by stating that a good project for the Trust to look into minimum standards for an affordable unit. She states that affordable housing can have its own, stand-alone, section in the Ordinance that addresses minimum standards.

Approval of Minutes:

The draft minutes from the April 23rd meeting were reviewed. Mayor made a motion to approve as presented, seconded by Nash. All in favor (voting members: Holaday, Wiener, Nash).

Updates:

- a. 40R Regulations: The application has not yet been submitted. However, the state has reviewed a preliminary application and has sent comments back to the City. Director Port incorporated the suggested edits and has been compiling data regarding the sewer capacity and necessary upgrades to the system as well as data on the potential for additional school-aged children in the new district. The next public hearing is set for June 17th.
- b. Housing Resales: There are currently no affordable units for sale at any of the complexes. The Heritage Landing unit successfully closed and the deed rider was recorded. Smith gave the developer the check.
- c. Fund Balance: The only significant expenditure is the \$50,000 check from the Trust to the Heritage Landing developer.

Next Meeting

The Trust has rescheduled its meeting from Thursday, June 4th to Thursday, June 25th at 6:30.

Wiener makes a motion to adjourn, seconded by Mayor. All in favor.

Meeting adjourns at 8 p.m.