

Committee to Review Zoning and Permitting – December 16, 2020 Meeting Minutes

The December 16, 2020 meeting of the Committee to Review Zoning and Permitting was conducted with all Committee members participating remotely. Members of the public were afforded the opportunity to attend and participate remotely. All votes taken at the meeting were taken by roll call.

At 5:30 pm, Committee Chair Paula Schnepf called the meeting to order. Also in attendance were Committee members Councilor Jennifer Cullum; Councilor Gordon Starr; Councilor Kristine Clark; and Councilor Matthew Levesque.

Chair Schnepf noted that the meeting was being recorded and would be available on the Town's website and inquired as to whether anyone was recording the meeting. The Chair then asked for a roll call of the members:

Councilor Cullum	HERE
Councilor Levesque	HERE
Councilor Starr	HERE
Councilor Clark	HERE
Chair Schnepf	HERE

Chair Schnepf noted that Councilor Tracy Shaughnessy was also in attendance along with the following staff from the Planning and Development Department: Gloria McPherson; Elizabeth Jenkins; and Arden Cadrin. She also stated that she expected two members of the Town's Planning Board to join the meeting and would announce them when they joined.

Chair Schnepf stated that she hoped to report out the draft proposal to provide for Accessory Dwelling Units (ADUs) in the town and to review the current draft ordinance and open it up for public comment and response to public comment. She then introduced Elizabeth Jenkins, the Director of Planning and Development, to review the draft ordinance.

Ms. Jenkins noted that 9 other communities on Cape Cod have permitted ADUs and that the draft ordinance was based on the Cape Cod Commission model bylaw. She stated that the proposed ordinance would amend the Town's zoning ordinance by amending the sections on "Definitions" and "Accessory Uses." She then gave an overview of the draft ordinance and noted it is available on both the Committee website and the Planning and Development Department website.

In response to a question from Chair Schnepf, Ms. Jenkins discussed the interplay between the Town's existing Accessory Affordable apartments program and the proposed ADU ordinance.

At approximately 5:45 pm, Chair Schnepf noted that Steven Costello, Chair of the Planning Board, had joined the meeting telephonically.

In response to questions from Councilors Starr and Cullum, Ms. Jenkins explained that both units could be rented at the same or different times for a period of not less than 12 months. She said this was a more permissive approach than that taken in other communities. Councilor Cullum asked if staff could review with Legal whether the use of the principal residence could be restricted to a minimum rental period of 12 months.

Chair Schnepf asked for a motion to determine whether there was consensus on this issue among the Committee.

Councilor Cullum made a motion that the Committee supports the rental of the ADU and the principal residence for a period of 12 months if possible and not as a short term rental.

Councilor Clark seconded the motion.

VOTE:

Councilor Levesque	YES
Councilor Clark	YES
Councilor Starr	YES
Councilor Cullum	YES
Chair Schnepf	YES

Chair Schnepf stated that it is clear that the intent of the ordinance is to promote year-round housing.

In response to questions from Councilor Starr, Ms. Jenkins discussed the “maximum habitable floor area” and the abandonment process. Chair Schnepf asked whether if someone wanted to rent both units, the Town could make rental of both units require a special permit. Ms. Jenkins said she would like to discuss that with Legal but she thought the answer was yes. Chair Schnepf then asked if the ordinance only allowed the rental of one of the units, would there be a legal issue regarding the 12 month rental requirement. Ms. Jenkins said she did not think there would be a legal issue because that is a very common restriction in other communities. Councilor Starr asked about sewer capacity and Ms. Jenkins said that each parcel has a capacity limit under Title 5.

At approximately 6:00 pm, the Chair invited public comment on the draft ordinance. Seven members of the public spoke. Two asked questions and the others spoke in support of the ordinance. Mr. Costello also commented in support of the ordinance. Chair Schnepf read aloud comments she received from 3 members of the public who were all in support of the ordinance. At that point, Town Council Administrator Cindy Lovell noted that Councilor Paul Neary had joined the meeting. Councilor Shaughnessy also spoke in support of the ordinance, but asked whether the 12 month minimum rental period could be a shorter period, as long as that shorter

period was more than the period covered by the definition of a short term rental. She also asked about programs to provide assistance to owners in creating ADUs, and Arden Cadrin provided information on Community Preservation Act funding that was available.

Chair Schnepf then asked for Councilor comments in response to public comment.

Councilor Levesque agreed that ADUs should be for long-term housing and not short term rentals, but suggested there might be a way to address a need for seasonal housing. He also noted that he was in favor of having Title 5 inspections of the property.

The Chair said she would like to recommend that the Committee move the ordinance out of Committee in the draft form that was reviewed tonight but would like staff to continue to research the legal questions. She noted there were still some policy issues that need to be figured out but believes the current draft reflects the will of the Committee. She then invited further comment. Councilor Cullum expressed agreement, and Chair Schnepf asked if Councilor Cullum would make a motion to that effect.

Councilor Cullum said she would like to move the ordinance as it stands with one question still to be ironed out with the Legal Department to a vote.

Councilor Levesque seconded the motion.

VOTE:

Councilor Levesque	YES
Councilor Clark	YES
Councilor Starr	YES
Councilor Cullum	YES
Chair Schnepf	YES

Chair Schnepf thanked everyone, said she looks forward to moving this to the full Council and the Planning Board in 2021 and said this concludes the discussion on the ordinance. She then said the Committee had 3 sets of meeting minutes to approve.

Councilor Cullum made a motion to accept the July 21, 2020 Committee meeting minutes.

Councilor Levesque seconded the motion.

VOTE:

Councilor Clark	YES
Councilor Starr	YES
Councilor Cullum	YES
Chair Schnepf	YES
Councilor Levesque	ABSTAIN

Councilor Clark made a motion to approve the October 8, 2020 Committee meeting minutes.

Councilor Levesque seconded the motion.

VOTE:

Councilor Levesque	YES
Chair Schnepf	YES
Councilor Clark	YES
Councilor Cullum	YES
Councilor Starr	YES

Councilor Clark made a motion to approve the November 12, 2020 Committee meeting minutes.

Councilor Cullum seconded the motion.

VOTE:

Councilor Levesque	YES
Councilor Starr	YES
Councilor Cullum	YES
Councilor Clark	YES
Chair Schnepf	YES

At approximately 6:44 pm, Councilor Levesque made a motion to adjourn the meeting.

Councilor Cullum seconded the motion.

VOTE:

Councilor Cullum	YES
Councilor Starr	YES
Councilor Levesque	YES
Councilor Clark	YES
Chair Schnepf	YES

The meeting was adjourned at 6:45 pm.

LIST OF DOCUMENTS USED AT THIS MEETING

1. Proposed Accessory Dwelling Unit Zoning Amendment – draft dated 11-17-2020
2. Powerpoint presentation dated 12-16-20 prepared by the Planning and Development Department
3. Minutes of the July 21, 2020 Committee Meeting
4. Minutes of the October 8, 2020 Committee Meeting

5. Minutes of the November 12, 2020 Committee Meeting