

TO: Select Board
Finance Committee

FROM: Cathy MacInnes, Finance Committee Member

DATE: March 31, 2021

RE: Spring Town Meeting Warrant Article 22 - Parking Dimensions

What is a waiver for planning board purposes? An applicant presents a proposed project to the planning board (PB) which must conform to the town's zoning by-laws and, when appropriate, the PB's subdivision rules and regulations. Oftentimes, the applicant requests a waiver of one or more of the rules and regs. There could be several reasons for the request(s), such as the applicant's engineer believes the project does not need to conform to a certain rule due to geological circumstances or that the project can continue to be constructed safely if certain rules are waived. In the case of a requested waiver, the PB deliberates, with the assistance of its consulting engineer, and then votes on the waiver. At no time during my stint on the PB was a waiver granted if the project could not be built unless the waiver were granted. In other words, if an applicant cannot conform to all by-laws and rules and regs., there is no future in the proposed project.

However, when a waiver was granted by the PB, that waiver allows the applicant to "break the law" regarding the PB's rules and regulations. As a result, a waiver should be granted sparingly.

In the past, when the PB would grant a waiver, it would request from the applicant a contribution of some sort in consideration of the waiver grant. This is allowed by law. For example, in the past, the applicant deposited funds for: construction of sidewalks; purchase of trees; removal of trees on town property; and the handicapped accessible door to the police station, to name a few. However, in the past several years, except for possible sidewalk funds, it is not known what contributions have been made by applicants at the request of the PB.

In support of the proposed by-law, Chair Nichols of the PB stated that many waivers have been granted to shorten the required length of a parking space, and rather than continue granting the same waiver, the PB proposes to change the by-law to avoid the necessity of waiver granting of this by-law. I am

speaking in opposition to this by-law because the PB should continue to treat each application individually in order to determine, on a case-by-case basis, if the safety of Millis residents can be certain before a parking space is shortened. Then, if the PB votes that a waiver can be granted without detriment to the public, the PB can ask for a donation to be made by the applicant. There rightfully appears to be a resurgence of interest in sidewalks, and a waiver could be granted when the applicant makes a donation. But more importantly, the safety of those using the parking lot would be assured on a case-by-case examination. Although the Chief of Police has opined that he has no concerns regarding the shorter parking spaces, it nonetheless makes complete sense, for safety purposes, to view each request on its own merits.

As I mentioned at a prior meeting, there are residents in Millis who drive the larger pickup trucks, minivans, and full-size SUV's. For instance, when a person lifts the rear door of an SUV, that door is four feet in height. A person with a food cart behind his or her vehicle, in some instances with a child in tow (even riding the Roche Bros. "car" of a food buggy), has a lot of maneuvering to do. Not to mention the vehicles driving past him or her in the parking lot lanes. The current length of the parking spaces should remain for safety reasons, and only when the PB is confident that the safety of the users is not compromised, may the waiver be granted.

Lastly, I wish to remind the Committee that, on questioning by Chair Berube, Chair Nichols stated that this new shorter length for parking spaces will apply to existing parking lots. As a result, in the event a commercial property owner wants to add another retail space to an existing retail property, merely shortening the parking spaces will allow the property owner to meet the requirements for additional parking spaces to accommodate the requirement for parking for the new retail business.