

## **Town of Ayer Planning Board**

Meeting Minutes for February 13, 2012 – Approved April 5, 2012

Location: Ayer Town Hall, 1<sup>st</sup> Floor Meeting Room

Members Present: Chairman Mark Fermanian (MF), Clerk Peter Johnston (PJ), Richard Roper (RR), Jeremy Callahan (JC)

Also Present: Judith Barrett COG (JB), Peter Sanborn COG (PS)

Not Present: Alene Reich, Susan Sullivan

APAC taped: YES

### **6:05 PM – Open Meeting**

### **6:07 PM – Open Public Hearing for Proposed Zoning Bylaw**

- **Public Hearing Notice**
  - PJ read public hearing notice for proposed zoning bylaw.
  
- **Proposed Zoning Bylaw Background**
  - Consultant Judith Barrett of COG (JB) provided background for the proposed bylaw.
    - Phase I: reformat zoning bylaw to provide consistency.
    - Phase II: incorporate zoning changes recommended by Comprehensive Plan (2005).
    - COG conducted zoning diagnostic and hosted four workshops with the APB.
    - Three reading drafts produced; first Nov 2009, 2<sup>nd</sup> May 2010.
    - The proposed bylaw consists of the text portion plus three appendixes.
    - Informal public meeting conducted by board, based on 3<sup>rd</sup> reading draft March 2011.
  - JB reviewed format of revised bylaw.
  
- **Proposed Bylaw Q&A**
  - Zoning Map
    - Revised zoning map must be presented with bylaw at Town Meeting.
    - JB reviewed proposed map prepared by MRPC; districts appear correct; date needs to be adjusted.
    - Pat Walsh commented that changes have been made by Town Meeting that have not been incorporated into an approved map.
    - *PJ to follow up with MRPC and clarify map date.*
    - Map Committee members David Bodurtha and Pat Walsh expressed concern that there is no current approved zoning map; the most recent one presented to Town Meeting was in 2002, and it was tabled; David Bodurtha expressed concern that different Town departments may be using different versions of the zoning map.

- JB: in principal, if changes have been legally adopted, the zoning map does not need to be revised to reflect them; Town meeting votes certified by the Town Clerk are what is important.
- *PJ will follow up and request a meeting with MRPC staff to resolve map questions.*
- Process
  - Public hearing process should produce concerns from citizens; Planning Board can adjust language reflecting these concerns or move forward to Town Meeting.
  - *Planning Board must present a report to Town Meeting with a recommendation.*
  - John Caddigan expressed concern that it is unclear which version of the zoning bylaw is the current official version; he also stated that copies are not available upon request from the Town Clerk. He was also concerned about differences between the version of the zoning bylaw available on the Town website and printed versions.
  - *MF will follow up with Sue Sullivan: (1) what is the current version of the zoning bylaw (consultation with town counsel if necessary) and (2) print copies to be available at the Town Clerk's office.*
  - JC stated "side by side" bylaw comparison is available on Ayer Planning Board website; JB indicated that this comparison was based on the "Green Cover" version of the zoning bylaw.
  - Laurie Nehring encouraged better and clearer public communications to educate the public would result in more support.
  - David Bodurtha questioned whether ZBA had provided input into the zoning bylaw revision process. JB confirmed that zoning variance frequency data had been provided by the Building Inspector.
  - JB has received input from engineer Steve Mullaney.
  - *Legal review complete; JB will provide redline version of bylaw with counsel changes; one or two policy questions need to be addressed.*
- Minimum frontage reduction
  - JB: Per zoning diagnostic, minimum frontage is excessive.
  - JB: Approved subdivisions could be amended to agree with new minimum frontage.
  - RR suggested that developers do not return to approved plans for modifications as the process is too cumbersome.
  - JB: COG did analyze a number of parcels; results suggested impact would be "de minimus."
  - JB stated current bylaw is "messed up" and must be fixed; if minimum frontage change is controversial, focus on the bylaw cleanup first.
  - John Caddigan agreed, suggesting the removal of controversial items to improve chances of approval by Town Meeting.

- JB stated that there are properties where additional lots might be allowed by reducing frontage, but the goal is to reduce the length of the road, reducing pavement, runoff, etc.; frontage requirement serves to provide access, not separation.
- RR indicated that long frontage results in a reduction of open space, as open space must be “chewed up” to meet minimum; less frontage results in more open space, shorter streets, lower costs to taxpayers.
- JC questioned why to change the minimum frontage when land is already heavily developed with minimum change; JB indicated there are only a “handful” of lots that would be impacted.
- Frank Maxant: we don’t want to live in an highly urbanized environment; frontage reductions are step towards more dense construction.
- Use Variances
  - JB indicated that the existing zoning bylaw allows use variances; the proposed will not.
  - *JB will confirm that use variances have been removed from proposed bylaw.*
- ZBA Authority
  - John Caddigan: ZBA format language, particularly 5 member vs. 3 member, has been deleted from the proposed bylaw; he would prefer to see it remain.
  - JB: the language was replaced with a MGL reference; municipal code covers makeup of Board.
  - Pat Walsh confirmed: municipal code calls for 5 members and 4 alternates.
- Agricultural Changes
  - Ruth Maxant indicated Department of Agriculture will need to review changes related to farms.
  - JB indicated this review will take place after Town Meeting approval during Attorney General review.
  - JB indicated bylaw language may need to be revised slightly to incorporate recent state legislative changes, recognizing farms of two or more acres (reduced from 5).
- **Meeting Schedule**
  - The next meeting will be rescheduled from March 1 to March 8, 2012 at 7:00 PM.
- **7:50 PM: Continue Hearing**
  - Motion by JC; RR second
    - Motion passed unanimously
- **Bills and Other**
  - Town email addresses: All members are ok with sharing email addresses with TA/Cindy Knox for setting up official town email addresses.

- Pay \$9,000 in legal bills out of outstanding approved bylaw funds.
  - Motion by PJ; RR second
    - Motion passed unanimously
  - Approximately \$1,300 will remain in the bylaw budget.
- **8:00 PM: Adjourn**
  - Motion by JC; PJ second
    - Motion passed unanimously