



MINUTES OF MEETING **ZONING BYLAW REVIEW COMMITTEE**

Date: September 21, 2011

SCHEDULED TIME: 7:30 p.m.

Location: SENIOR CENTER (Weyerhauser Room), 10 Mayflower Street

Minutes Prepared By: Martin Desmery

Members Present: Judi Barrett, Paul Boudreau, Freeman Boynton, Jr., Scott Casagrande, Martin Desmery, Robert Fitzpatrick, Nancy A. Johnson, George Wadsworth.

Members Absent: Fred Clifford, Mary Steinke.

Also Present: Tom Broadrick, Planning Director.

TOWN CLERK
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DUXBURY, MASS.

Meeting called to order by the Chair, Robert Fitzpatrick, at 7:39 pm.

Minutes

The minutes of the meeting on August 17, 2011, were reviewed and unanimously approved, with the following amendments: (1) note that Tom Broadrick, Duxbury Planning Director, attended the meeting; (2) correct reference to Sally Wilson's letter, (3) correct two typos.

Administrative Matters

Bob Fitzpatrick reported that the Ellison Room had been reserved for our public meeting on October 19. Tom Broadrick advised that he is already committed to a meeting of the Alternative Energy Committee on that date. In light of Tom's conflict and the public interest in the issues to be discussed by both the ZBRC and the Alternative Energy Committee, we decided to postpone the ZBRC public meeting to November 2.

Updates on Information Gathering

Paul Boudreau's meeting with the Zoning Board of Appeals as a whole was postponed to tomorrow night. He will report on the comments made by members of the ZBA at our next meeting.

George Wadsworth reported that the Planning Board met on September 12 to discuss ZBRC-related topics. (Bob Fitzpatrick also attended.) George distributed copies of the draft minutes of the Planning Board's meeting, which include an excellent and comprehensive summary of feedback from Planning Board members. Marty will incorporate the summary into the list of issues to be discussed by the ZBRC.

During a general discussion of "height" issues raised by the Planning Board, a member of the public (Kathy Palmer) made an observation about measuring height from "natural grade." Ms. Palmer is aware of one property owner who was required to build up the grade because the home appeared to be in a flood plain. Tom Broadrick stated that recent changes in the state building code impact the construction or renovation of homes in flood plains, but this is more of a building code issue than a zoning issue.

Freeman Boynton, Jr., reported on his meeting with a local attorney, Bob Galvin, Jr. Freeman gave Marty the notes written by Mr. Galvin in the margins of a copy of the Bylaws.

Judi described her meeting with a local attorney and former Selectman, Jon Witten. The two of them spoke a lot about "coverage," including the 3% rule, and regulating wetlands via zoning.

Mr. Witten participated in the CPZBIC efforts. He stated that the CPZBIC process only changed about 30% of the prior bylaw. Most of the definitions are the same as those contained in the 1995 bylaw. The current bylaw has a "patchwork" problem - i.e., inconsistent terminology, redundant provisions, permitting procedures laced throughout the various sections. The town may need to recodify the bylaw into a more consistent, well-formatted structure before tackling the policy issues. Marty will incorporate Judi's summary of her conversation with Jon Witten into the list of issues.

Bob Fitzpatrick reported on his attendance at a meeting of the Design Review Board, in which a DRB member commented that the current bylaw is primarily about "density;" it does not deal with many of the issues that other communities have in their zoning codes, like lighting and architectural design.

Nancy Johnson reported that she met with a couple of local architects, who would like to see more clarity in the bylaw. They want the bylaw to specify more clearly what homeowners can and cannot do. The criteria for design review should not be subjective; it should be clearly set forth and then followed. A bylaw with clear, objective standards will assist architects in steering their clients toward designs that are more sensitive to the existing neighborhoods. The architects also had the following specific comments.

- The bylaw on corner lot setbacks is not clear. (Bylaw #?)
- Too many "accessory" definitions - use, structure, etc.
- There should be a definition for "guest quarters," which should not exceed a certain size relative to the main house.

- Issue on 410.4 on coverage. Is getting the 3% extra by right or via special permit?
- The bylaw contains no clear limit on volume that you can build. Clients want to max out. These may be issues beyond clarification but they are issues that will need to be addressed at some point.
- Height should be measured as the mean average grade before construction to the top of the roof. Current bylaw allows too much mass, especially with sloping sites.
- The process by which one gets permitted needs to be better understood. The process can take up to 90 days. [ZBRC members discussed whether somebody in the office could send the applicants a schedule of when their applications will be reviewed.]
- Volume calculations are hard for homeowners – i.e., how much are you expanding a non-conformity?
- Approval with conditions is preferable to delaying a hearing.

Nancy Johnson also reported on her meeting with the members of the DRB, who had the following comments:

- 404.9 conflicts with the bylaws on piers.
- The rail descriptions for 404.20 v. 404.50 do not agree.
- Nonconforming uses – very difficult to determine when a special permit is needed.
- No zoning concerning garages except the three vehicles.
- Bylaw should be amended to more positively establish authority of DRB.
- Tree cutting – heritage trees should not be taken down.
- Applicants should get something that tells them exactly what will happen and when, and what is expected of them. Pre-filing review would be helpful too.
- Suggestion to require special permits for rebuilds, additions, and any other projects over a certain size.

Scott Casagrande reported on his interview of Jean Clarke, who expressed the following concerns about the current bylaw:

- WPOD: If the lines are wrong we should get them right.
- Roof height for accessory structures should be lower than main dwelling.

- Bay Road septic. Houses may have turned over several times. Are the current or recent projects in compliance?
- Accessory Apartment - The rules regarding accessory apartments were intended to apply to rental situations not inlaw apartments.

Scott also spoke to Richard McDonald. Richard suggested that an explanatory chart would be helpful to citizens. Richard also suggested that the town consider the expansion of business districts.

Open Forum, Public Outreach & Next Meeting

Marty Desmery will check on the status of the ZBRC website. Do we have agenda & minutes?

Tom Broadrick will check his office for files and e-docs related to CPZBIC.

Scott's letter project will be discussed at the next meeting. This is the letter informing people who have intersected with the permitting process about our efforts. Will talk about whether it makes sense to reach out to everyone or just people who applied for special permits.

Judi offered to handle publicity for the public meeting on November 2. She will think about the type of publicity needed and talk to Bob.

Bob wants to explore the origins of the wetlands aspect of our bylaw. He will speak to Fred Clifford about this subject.

Bob would like to see the application materials for special permits and variances. Judi will send. Tom says all forms are online.

At the next meeting, committee members should provide Marty with feedback on the working list of issues under consideration by the ZBRC.

One member of the public attended (Kathy Palmer) attended this meeting. Her comments are reflected above.

Meeting adjourned at 9:42 pm

List of Documents and Other Exhibits Used at the Meeting: None.