



MINUTES OF MEETING **ZONING BYLAW REVIEW COMMITTEE**

Date: October 5, 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, Scott Casagrande, Fred Clifford, Martin Desmery, Robert Fitzpatrick, Nancy Johnson.

Members Absent: Freeman Boynton, Jr., Mary Steinke, George Wadsworth.

Also Present: Tom Broadrick, Planning Director, and Four Members of the Public.

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

Minutes

The minutes of the meeting on September 21, 2011, were reviewed and unanimously approved, with the following amendments: (1) on page 2, fifth paragraph, third and fourth sentences, respectively: the words "Judi noted that" and "Judi also noted that" will be inserted at the beginning of each sentence to clarify that Judi not Jon Witten made those comments; (2) on page 2, seventh paragraph: the words "One architect noted that" will be added to the beginning of the third sentence.

Administrative Matters

Marty Desmery reported that he met with Diane Grant about the website. All minutes approved by the ZBRC are currently on the website. The agendas for each meeting, however, have been removed because all agendas for all boards are included on the page that has the schedule for all town boards.

Scott Casagrande asked if the website can be linked to a particular email address. Tom Broadrick advised that Mary McCrory is the IT person who can link anything to the town website. Marty will follow up with Mary.

Updates on Information Gathering

Paul Boudreau reported on his meeting with the Zoning Board of Appeals on ZBRC-related issues, which took place on September 22. Bob Fitzpatrick and Judi Barrett also attended the meeting. Paul will give Marty his notes. Many of the issues raised at the meeting have already been identified by the ZBRC. Paul specifically mentioned the following issues:

- Residential Compatibility District – Intensity, Dimensional and Coverage Regulations (410.4): There seems to be some confusion with the general public on some of the items in this provision.

The ZBRC should consider ways to clarify rules regarding lot size, lot area, coverage and density.

Under coverage, the three percent rule for non-conforming lots is somewhat unclear. Some people feel they have the right to 3%. Should the 3% rule be replaced with a sliding scale?

- Nonconforming Uses (401.2): Is there a way to express the language more clearly?
- Variances: Should there be an exemption for life safety issues (e.g., fire chief has to come in for a variance for his tower)?
- Accessory Structures – two definitions. Section must be clarified.
- Joint hearings: Perhaps we can consolidate the site plan authority and the special permitting authority when both are required?
- Wetlands Protection Overlay District (404): People seem to disagree about the intent of some sections, especially 404.6 & 404.9.
- General formatting issues: Definitions should all be in one location, perhaps at the front.
- Permitting procedures should be placed at front. Administrative rules as well.
- Administrative rules should be cleaned up and clarified. We should consider adding some sort of checklist and other tools to help laypeople guide themselves through the bylaw.

Bob Fitzpatrick reported that he spoke to Deb Bornheimer, whose comments were similar to other interviewees.

Bob also spoke to Nancy Langren, who was focused on one house, one lot issue. Nancy expressed concern about the loss of control and double-density, as well as the uncertainty in the bylaw on this subject. Nancy also talked about the height issue, and how the rights of property owners need to be weighed against the rights of abutters, the neighborhood, and the town.

Fred Clifford reported on his interviews of Ned Lawson, Andre Martecchini, and Pat Loring. Fred provided Marty with his written notes, and will email the notes to Marty for inclusion in the ZBRC Working List of Issues.

Marty Desmery passed out copies of the ZBRC Working List of Issues (updated through the September 21, 2011 meeting). We will discuss the list of issues at the next meeting.

The ZBRC generally discussed the fact that two articles at Town Meeting will affect the WPOD. One of the articles relates specifically to the Dacey Property. Town Meeting will be asked to approve the movement of the WPOD line.

Nancy Johnson raised an issue regarding Cluster Developments. Does our bylaw contain a tilt that may be impermissible under existing case law - i.e., the requirement to present both a grid and a cluster to the planning board, which may decide which one to approve?

The ZBRC next heard from John Baldwin (110 High Street), a residential builder who has built over 40 houses in Duxbury. John believes that going through the town process can be very difficult. You need a good engineer from the beginning. As for problems with the existing Bylaw, John commented as follows:

- The definitions of "Projections" on pages 5 and 35 are different.
- 540.3 - Regarding a proposed subdivision of land into 6 or more lots, does this language make sense: "In either case, however, a special permit from the Planning Board shall be required[?]"
- John suggests that there should be a commentary on how the town arrived at the particular bylaw.

The ZBRC next heard from another resident, Cap Kane, who asked if the ZBRC will be looking at clarifying the provisions regarding penalties for violations of the zoning bylaws. Cap believes that there is a lack of clarity regarding penalties. Judi Barrett responded by stating that penalties are set forth in the bylaws and the zoning act. There is disagreement in the town about the scope and level of enforcement.

Scott Casagrande reported on his mailing project, and passed out copies of a draft of a letter to residents who applied for building permits. The ZBRC discussed whether the letter should be limited to people who applied for special permits. Scott will ask the building department if the database can be limited to special permit applicants. Scott and

Bob will work together to finalize the letter. Bob will talk to the Selectmen's office about a budget for postage.

Deliberation on "the List" will begin at the next meeting.

Meeting adjourned @ 9:30 pm.

List of Documents and Other Exhibits Used at the Meeting:

- ZBRC Working List of Issues (Updated through September 21, 2011).
- Draft Letters to Duxbury Residents.