



MINUTES OF MEETING **ZONING BYLAW REVIEW COMMITTEE**

Date: November 2, 2011

SCHEDULED TIME: 7:30 p.m.

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

Minutes Prepared By: Martin Desmery

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

Members Absent: None.

Also Present: Thomas Broadrick, Planning Director, and approximately 20 members of the public.

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Meeting called to order by the Chair, Robert Fitzpatrick, at 7:34 pm.

Mr. Fitzpatrick made several remarks about the ZBRC's charge, and then invited the public to speak.

Jack Kent, 1351 Tremont Street, Bayside Marine: He had the first project to go through site plan review in 2006. Overall a good thing. Biggest problem is the time and money that it takes to get through the various town boards. Members of those boards don't realize the importance of time. There were too many matters on for hearing. His application was continued far down the road, and in the meantime the cost of iron and cement went way up. Mr. Kent also questioned whether the ZBA had the right to tell him what kinds of lights to put up or what the shape of the window should be or what kind of siding to put up. He did note, however that the people in the zoning office and the planning office were helpful in the filing process. His comments really go to the jurisdictional of the ZBA, the time it takes to get approval, and the cost (22 sets of plans per change).

Kay Foster, 134 Surplus Street: Can you give a little synopsis of what the ZBRC has been doing? What have you been discussing? Where do you think the bylaws are unclear? Mr. Fitzpatrick reported that the ZBRC is still in the information gathering mode. We are reaching out to builders, architects, attorneys, town officials, etc. to get insight on experiences that people have had with the bylaw. We are looking at a wide range of issues - from process to substance. The public should attend our meetings or review the minutes on the ZBRC website.

Heidi Laird, 313 Washington Street: She heard that the ZBRC had discussed issues about scenic overlay. A past committee identified about 250 people who owned property on the water. She wanted to stress the importance of scenic areas.

John Bear, 90 Old Mill Lane: He noted that Phil Markella on the Economic Advisory Counsel is looking to undertake a permitting process review. He also commented that the Planning Board exceeds its scope from time to time. He thinks enforcement is a big issue. The ZBRC would be remiss if we did not bring that up to the selectmen. Many of the enforcement issues affect density. While we are not dealing with the policy a lot of the policy issues are on people's minds and we should note them to the selectmen.

Sarah McCormick, 43 Peterson Road: She wanted to know who is actually going to be writing a model that we are all going to be looking at? Is the ZBRC actually going to produce something on the particular points? Mr. Fitzpatrick replied that the ZBRC may make a specific recommendation on particular issues, but we will not be proposing bylaw revisions on all issues. There will be a next step or another group to tackle that assignment.

Sherm Hoyt, Abrams Hill: Is the ZBRC at a point where we can summarize what issues of clarity seem to be important? Mr. Fitzpatrick reported that we are not ready at this point to discuss specific issues. Mr. Hoyt noted that the ZBRC meetings are impressive and the knowledge of its members is impressive.

Kathy Palmer: The ZBRC discusses substance at its regular meetings, but members of the public are fairly passive. She suggests that the ZBRC come out with a preliminary draft and give people an opportunity to make comments. Mr. Fitzpatrick responded that at least one of our future meetings will include a presentation of our preliminary comments before they go to the selectmen. Anybody can reach out and touch one of us.

Jack Corbitt, King Ceasar Road: He wanted to know what the education process is for new members coming on town boards to interpret fairly complex rules. He thinks board members often base their decisions on personal bias not the bylaws. Judi Barrett stated that the education process is usually "Baptism by fire." New board members have ample opportunities to receive training but they rarely if ever take advantage of them. It is an area that we need to do some beefing up.

Fred Clifford (ZBRC Board Member). He was a member of the ZBA for 22 years. He thinks that the process will be improved considerably if we can shape up the bylaw and the procedures so that redundancy and confusion are eliminated. We need to streamline the bylaws so it doesn't become so expensive and wasteful.

Del Mitchell, 29 Bay Pine Road, Architect: She understands that there is a desire to streamline the process, but the process is so important and having more than one opinion is important. We need to provide for public comment, and as painful as it is that is how we preserve the fabulousness of Duxbury and what we have here.

George Wadsworth (ZBRC Board Member). He is on the Planning Board. In theory, the Planning Board is the producer of the bylaw and the ZBA is the enforcer. Over the years

there has always been a measure of discretion given to the ZBA, and there has always been a cry from the ZBA for clearer guidelines. Clarity takes away from discretion. The applicant still needs to do a fair amount of work.

Tom Tucker, 18 Winsor Street, Lawyer: He is not sure how the ZBRC can make decisions about clarity and definitions without getting into issues of substance. ZBRC scope seems to be too narrow. The more important points are issues of substance and policy. Judi Barrett noted that the policy issues need to be addressed at the comprehensive plan level.

Karen Trace, One Water Street: When the ZBRC clarifies the language of the bylaw we might be skewing it.

Kay Foster: Public input is curtailed from the very beginning of the process. If possible, we should put something in the Clipper about proposed changes to land use. Sometimes it's too late.

John Bear: The ZBRC's more important list may be a "By the way" list of policy issues. Maybe it would make sense to have our draft available to people long before we present to the Board of Selectmen. Mr. Fitzpatrick commented that he expects the ZBRC to post our interim findings and conclusions on the website, and give people an opportunity to comment and share their thoughts. He also expects to have a public meeting on our draft report.

There was a general discussion about the lack of administrative support for the ZBA. George Wadsworth noted that the Planning Board supports the ZBA's request for staff report.

Meeting adjourned @ 8:54 pm.

List of Documents and Other Exhibits Used at the Meeting: ZBA Charge.