



MINUTES OF MEETING **ZONING BYLAW REVIEW COMMITTEE**

Date: December 7, 2011

SCHEDULED TIME: 7:30 p.m.

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

Minutes Prepared By: Martin Desmery

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

Members Absent: Paul Boudreau

Also Present: Three members of the public.

TOWN CLERK
12 JAN 19 AM 9:09
DUXBURY, MASS.

Meeting called to order by the Vice Chair, Judi Barrett, at 7:39 pm.

INFORMATION GATHERING

Paul Brogna, a resident for 36 years and an experienced engineer, addressed the ZBRC. Mr. Brogna deals with zoning issues in many communities on the south shore, including Duxbury.

Mr. Brogna believes that the bylaw as written is not "family friendly." It is difficult for average homeowners to navigate the process without hiring an engineer. In other communities homeowners are more able to deal with zoning issues without an engineer and surveyor. If there is a need to look at just one area of our bylaw, simplifying the application process and the administrative procedures would be a good area.

Mr. Brogna discussed impervious site coverage issues. He noted that many towns are going with innovative technologies for pervious asphalt and concrete for subdivisions. This is a policy issue, but there have been differences between the planning board and the ZBA on what constitutes impervious coverage.

With respect to piers, Mr. Brogna was one of the seven members of the pier bylaw committee that reviewed Article 400 (section 404.20/30/40 & 50). According to Mr. Brogna, Duxbury has not been revising and updating its regulations to conform to changes in state and federal laws. Mr. Brogna also believes that the criteria for approving piers in Section 906.2 are very subjective, and the result often depends on the identify of the

members who happen to be sitting on the ZBA. The stated criteria do not provide much guidance to either the board members or the applicants. It's not just a matter of discretion; the criteria for exercising the discretion are not so clear.

Mr. Brogna stated that the last two subsections in 404 (40 & 50), which deal with shared piers and Waterfront Scenic Area, are unique to Duxbury and could be used more frequently. For the right applicant they work well.

Mr. Brogna, the members of the ZBRC, and certain citizens in attendance generally discussed issues related to 404.50, such as – How do you “reconstruct” a “new” pier? Mr. Brogna and others indicated that the intent was to retain what you have but you can't have a new pier unless it complies with the new pier standard.

MINUTES

The minutes of the meeting held on November 16, 2011, were approved, with Judi Barrett and Fred Clifford abstaining because they were not present.

The minutes of the meeting held on October 5, 2011, were approved, with George Wadsworth, Freeman Boynton and Mary Steinke abstaining because they were not present.

ADMINISTRATIVE MATTERS

The ZBRC decided to go forward with its scheduled meeting on December 21, 2011, because a quorum will be present.

The ZBRC reviewed and discussed the draft warrant article that Bob Fitzpatrick circulated on December 5, 2011. Bob explained that the draft was a placeholder for necessary town meeting action to implement the eventual recommendations of the ZBRC. A motion, duly seconded, to approve the warrant article was unanimously approved.

Bob Fitzpatrick led a discussion about how we present our findings to the Selectmen. He thinks it should be in the form of a report or memo –

What have we found? Not necessarily describe every point of fuzziness or inconsistency. Instead, we should provide representative examples; not a blow-by-blow of each problem associated with each provision.

DISCUSSION OF ARTICLE 300

The ZBRC discussed specific definitions contained in Article 300, including:

- Frontage – definition should be checked by land use attorney for compliance with law.
- WPOD - may be an example of the need to simplify the bylaws and remove provisions that are already regulated by state or federal laws.

- Informal Hearing – Can be deleted.
- Interested Party – Can be deleted.
- Improvement Schedule – Can be moved to Article 800.
- Land Improvements – Superfluous. Delete.
- Lot Area – Delete second definition
- Applicant – multiple definitions in the bylaw; should be unified.
- Bed & Breakfast – Used only twice in the bylaw. Definition needed?

FREEMAN will send his list of issues out tomorrow by email.

Bob will assign sections of 400 to the particular members for the next meeting.

Meeting adjourned @ 10:08 pm.

List of Documents and Other Exhibits Used at the Meeting:

Draft Warrant Article circulated by email on December 5, 2011