



MINUTES OF MEETING ZONING BYLAW REVIEW COMMITTEE

Date: January 4, 2012

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 Johnson, Mary Steinke, George Wadsworth.

Members Absent: Fred Clifford

Also Present: None.

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

Meeting called to order by the Chair, Robert Fitzpatrick, at 7:38 pm.

MINUTES

The minutes of the meeting held on December 21, 2011, will be reviewed and approved at the next meeting.

ADMINISTRATIVE MATTERS

Bob Fitzpatrick reported that the Selectmen want to have a discussion of the proposed article at some point before Town Meeting on March 10, 2011.

DISCUSSION ON ARTICLE 500

Judi Barrett and Paul Boudreau presented their comments on Sections 530 & 540:

The overall comment on 530 or 540 is that both need a legal review by a land use lawyer. Case law has come down since these sections were written that changed the landscape.

Paul also commented on the lack of clarity of the language, especially 540.3.

The ZBRC generally discussed the policy issues regarding the incentive or lack of incentive to propose a residential conservation cluster. George Wadsworth stated that CZBIC intended the lack of incentives, but there are some incentives such as shorter roads, less utilities, etc.

Freeman Boynton and Scott Casagrande presented their comments on Section 560:

This section also requires a legal review, as well an overall redrafting to address the lack of clarity in the language.

560.3 - Should the word "cluster" be added to "conventional" or "grid?"

Marty Desmery presented his comments on Section 570:

570.1 should be split into two sections, one on "Purpose" and the other on the role of the Planning Board.

All definitions in 560 and 570 should be moved to Section 300, except the "Effective Date," which should be incorporated into 570.3.1.

Definition of "Use Restriction" includes incongruous proclamation about how eligible tenants/owners should be selected. This does not belong in any definition.

Definition of "Upland Area" is "All lands not defined herein as wetlands." But Section 570 does not define wetlands! (I don't think 404 defines "wetlands" either!!)

570.3.1 - The last sentence is not part of the criteria and should be included with the language on the role of the Planning Board.

570.3.10 - The language, "low and moderate households" should be amended to read, "low and moderate income households...."

570.3.13 - This subsection places restrictions on the creation of irregular lots for the purpose of affordable housing, but 570.3.1 states that eligible lots must already exist "as a separate lot of record prior to the effective date of this bylaw [March 8, 2008]." How can new lots be created if they are supposed to exist already?

Nancy Johnson and Bob Fitzpatrick presented their comments on Sections 601, 603 & 403:

403.2 - The language is so open-ended that it would be helpful for the zoning enforcement officers criteria to be spelled out.

403.7 (Nancy) - No referral to the Design Review Board, even though 900 says a referral should be made. Should special permit procedures be scattered throughout the bylaw? Shouldn't there at least be a cross-reference to 906?

403.7 (Bob) - There should be some tethering of the referrals to a specific time period - e.g., within so many days of filing the application. The referral boards must answer within 35 days of the referral, but when must the referral be made?

601 Signs (Nancy) -

Accessory sign - what is the difference between accessory and primary signs? Is an accessory sign a second sign? The definition is unclear, until you start reading 601.3#8.

Judi noted that there are no sign regulations by district. The whole town is one zone. But the needs of businesses are different than the needs of residents.

601.3 - Not clear if signs need to be wood, brass or bronze. Use of the word "should" is problematic since it's not mandatory. Lots of "should" vs. "shall" issues in 601.

601.4 - The language, "any other necessary dimensions or design features requested by the Board of Appeals," is very subjective.

601.6.6 - minimum height is very fuzzy.

Why are political signs mentioned in the dimension requirements?

601.7 What is the definition of a billboard?

601.10 - What is a nonconforming sign? Not defined. What is the effective date for preexisting nonconforming signs? The bylaw does not set forth any criteria for guiding the zoning enforcement officer's review.

601 Signs (Bob) -

601.3.1 - What is an "advertising device?"

601.4.4 - This language should be clarified.

601.4.5 - The prohibition against private signs on public land is not a zoning issue.

601.9 - There is no clear standard for "reasonable intensity." The last sentence could be construed as requiring a special permit for all signs, not just illuminated signs.

It would be helpful to have a set of design guidelines for signs.

603 Parking Regulations (Nancy) -

Do parking regulations apply to all zoning districts?

George Wadsworth reported that a new parking bylaw has been drafted by the Planning Board, but it will not be submitted to Town Meeting for approval until later this year or next year.

603.4 - There is no maximum number of parking spaces. Lot coverage is the limiter of the maximum.

603.6.2 - What does "low maintenance" mean?

603.7 (last sentence) - "The type and height...." - There is no standard for aesthetics.

603.10 - A diagram would be very helpful.

603.12 - We need to verify that the citation to the AAB is still correct.

603 Parking Regulations (Bob) -

603.4 - No criteria for how Board of Appeals determines the number of parking spaces.

603.9 - Who makes the decision - i.e., "clearly demonstrated" to whom?

Mary Steinke and George Wadsworth presented their comments on Sections 609 & 610:

609.2 - What is "substantial destruction?"

610.3 - Several definitions used once, or hardly ever, or not at all:

Environmental Assessment - used only once.

Fall Zone - only used once.

Guyed Tower - only used once

Omnidirectional - Not used at all

Panel Antenna - only used once

Security Barrier - used only once

Telecommunications Specialist - used twice in the same paragraph.

610.4.5.b vs. 610.5.3 - 100 or 400 feet

610.6.3 - No mention of the 10 foot rule. Does it apply for a co-located tower?

610.7 - Too many copies required for town boards.

Meeting adjourned @ 9:58 pm.

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