



**MINUTES OF MEETING**  
**ZONING BYLAW REVIEW COMMITTEE**

TOWN CLERK  
12 SEP 2012 9:51  
DUXBURY, MASS.

**Date:** February 1, 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, Fred Clifford, Martin Desmery, Robert Fitzpatrick, Nancy Johnson, Mary Steinke, George Wadsworth.

**Members Absent:**

**Also Present:**

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Meeting called to order by the Chair, Robert Fitzpatrick, at 7:37 pm.

**MINUTES**

The minutes of the meeting held on January 18, 2012, were reviewed and unanimously approved, with amendments necessary to correct spelling, grammar, and transcription errors.

**DISCUSSION OF ARTICLES 700, 800 & 900**

Judi Barrett and Paul Boudreau presented their comments on Sections 711-717:

711.4 – Unclear language; the words “to be provided” should be deleted, or clarified in some other way.

713.1 – “Curbs or berms, if provided...” Should it be “if required” or “if any” or some other language?

Bob Fitzpatrick noted that this discussion raises a larger issue regarding the ongoing vitality of this section of the bylaw. Is it necessary?

716.1 – The first sentence should be stated much more clearly and succinctly.

Judi Barrett noted the difference between the dimensions stated in this section (9.5' x 20') for parking spaces, and the dimensions stated in Section 603.5 (9' x 18'). Why two different sizes?

Freeman Boynton, Jr. and Scott Casagrande presented their comments on Section 725:

725 - The definitions appear at end of 700, but the bylaw states that they also apply to 800. This caused some confusion for committee members. Articles 700 & 800 should be combined and restated. At a minimum, Article 800 should cross-reference the definitions in 725.

Nancy Johnson suggested that it may be helpful to have an outline in the beginning of 700/800 to lay out the process and important concepts.

Some of the definitions in 725 overlap definitions in other parts of the bylaw. Specific examples:

There is an inconsistency between the definition of "structure" on page 10 and the use of "structures" in the definition of Impervious Coverage on 118.

Building, Detached - "has not party walls" should be changed to "has no party walls."

Marty Desmery presented his comments on 804 & 805:

Both the language and the format of these two sections could be dramatically improved. Fortunately, both sections require the submission of information that must be prepared or supplied by engineers, architects, and lawyers, and with help from town officials they probably figure out whatever plans and sketches and drawings and other documents are required.

804.1 - "Preliminary Qualification" is not really a separate thing. It's more of a process of putting together the information and materials necessary for a Development Application.

804.2 - The section refers to less than 50 and more than 50 - what about 50?

805 - Site Analysis - Does this require a separate section? All of the information referenced in this section must be submitted at the same time as the Preliminary Qualification, so why not make it part of the P.Q. process?

Fred Clifford presented his comments on Section 806:

Fred noted that Section 806 does not mention the Design Review Board.

806.2, line 4 - reference to 35 days for a report from the Planning Board, but 803.5 has 120 days.

806.2, p. 125, the paragraph starting, "Further, said findings...." This does not belong under the heading of "Stormwater Drainage Capacity" but instead should be labeled something like, "Additional Requirements."

806.2, p. 126, last sentence - The "report" should be the "Planning Board Report."

Nancy Johnson and Bob Fitzpatrick presented their comments on Section 807:

First sentence of 807 - reference to "in this section" - Is that Section 807, all of the sections in Article 800, or all of the sections in 700 & 800?

807.1 - The reference to documentation that "may also be included." - Is it required or not?

807.3, 4.b on p. 127 - "... integration into Application" What does that mean?

807.3, 5.i) on p. 128 - "... street cross-section on the map for each category and in the report...." What does that mean?

807.3, 8.b. on p. 129 - strike first "and the proportion"

807.3, 8.c. on p. 129 - better to have a comma after "acres."

807.3, 11 on p. 129 - Not clear what the topographical map needs. Should it say, "with EXISTING contours?"

807.4, 6 on p. 131 - there is a colon at the end that doesn't make sense. Something got left off.

George Freeman reported that Sections 900-906 looked ok to him.

Mary Steinke presented her comments on Section 901 (enforcement):

Mary noted that enforcement was a big topic for citizens during the public forum.

903.2 - Mary raised the question of whether 21 days gives enough time to a homeowner's association to weigh in on the application.

905 - Practically verbatim to 401.6.

906.2 - The language needs serious work. There are lots of excess verbiage and boilerplates. Judi noted that the references to "ordinances" is a red flag because Duxbury does not have have ordinances.

906.3 - Judy would like this section to go on the "policy list." She does not believe that the bylaw should permit a "use" variance. The Board of Appeals (i.e., 5 people) should not be empowered to override the bylaw. It should be a town meeting issue.

906.4 - Referral - This needs to be cleaned up. ZBA directed to send applications out to reviewing bodies. Water Advisory Board? Bay Management Commission? Certainly, there may be issues that should go to the Bay Management Commission, but in general the required referrals should be tailored to the nature of the application.

906.5 - Site plan review authority is confusing and promotes redundant processes, where applicants are required to appear before boards that are not the SPGA.

908 - "Development Applications" should be part of Article 300.

909.3 should say the SPGA may modify recommendations of DRB, not the Planning Board and the Board of Appeals.

909 - Has nothing procedurally to describe the role of the DRB, scope of review, etc. When Bob met with the DRB he suggested that they consider alternative language that defines their role more precisely.

Judi thinks the penalty for a zoning violation is very low - much lower than what the statute allows.

#### ADMINISTRATIVE MATTERS

Bob gave his thoughts on the "next steps" for the ZBRC. He sees us putting together some kind of a summary of our work to date, including the information sources that we've tapped, and the key comments that are consistent with our charge. We will also work to develop the "by the way" list of policy issues to be taken up in the future.

All of us should go back through our notes and identify five issues that fall within the scope of the ZBRC charge, and five more that are on the "by the way" list. We will use these submissions in a memo to illustrate the problem as we come to define them.

Bob assigned one Article to each committee member to look at particularly: Judi (1 & 4), Paul (2), Freeman (3), Scott (4), Fred (5), Marty (6), Nancy (7), Mary (8), George (9). All work should be sent by email to Bob on or before Wed., Feb. 15.

Our next substantive discussion will be focused on a draft of the ZBRC report that Bob will hopefully get to us before the next meeting, which will be held on March 7, 2012.

Bob also suggested that we release our "placeholder" warrant article because, despite our best efforts, there is simply not enough time for the committee to do the remaining work, draft our report, have a public meeting on the draft report, finalize the report, explain our findings to the Board of Selectmen, Finance Committee, etc., and then prepare for the town meeting. All members of the ZBRC agreed with Bob's assessment.

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

Meeting adjourned at 10:14 pm