



MINUTES OF MEETING ZONING BYLAW REVIEW COMMITTEE

Date: April 2, 2014

SCHEDULED TIME: 7:30 p.m.

Location: TOWN HALL (Mural Room), 878 Tremont St.

Minutes Prepared By: Nancy Johnson

Members Present: Judi Barrett, Kathy Muncey, Scott Casagrande, Nancy Johnson, George Wadsworth, Freeman Boynton, Jr., Mary Steinke

Members Absent:

Also Present: Tom Broadrick

TOWN CLERK
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DUXBURY, MASS.

Meeting was called to order at 7:45 by the Chair, Judi Barrett.

Minutes

The minutes from March 12, 2014 were approved as amended, adding Judi's comments about the 3% rule under 4:10.4 as it relates to 401.2.

Discussion- DRB documents

Judi Barrett received two documents from the Design Review Board (DRB), which were forwarded to the committee members. One is a 23 page report on topics for clarification, including references to how these issues were dealt with in other towns. The other is a brief memo summarizing the DRB's observations and suggestions. These documents were forwarded to the consultants to look at, but they were not yet directed to act on them until these issues are discussed by the committee.

Scott Casagrande suggested that some of the issues mentioned by the DRB are beyond the charge of the committee, as they would result in policy changes that the town needs to vote on. He thinks some could be considered "drastic" changes, and the ZBRC has too many other things to do that are within our charge.

Judi Barrett sees three filters that capture the committee's charge:

1. Is it clear?
2. If you read it alongside other portions, is there a conflict or inconsistency?
3. Is there a legal problem or case law issue?

Some members felt that it is better to allow some of these issues to be brought forward in future articles by other parties to change the bylaw after this committee's work is done. Others suggested that the DRB has put forth substantial effort in preparing their recommendations, and the town could benefit from getting some professional guidance on these issues from our consultants.

Discussion- Consultants' memo

1. Special Permits and Subdivision Activity (Wall Street v. Westwood)

The town cannot force a developer of a residential subdivision to do a Residential Cluster Community (RCC).

Tom Broadrick suggested we consider changing the "shall" to "may". This would still be a special permit.

Judi Barrett said that the intent of the bylaw is to encourage conservation, and any clarification should retain that intent. The changing of "shall" to "may" would result in a substantial change.

Another option would be to look at a Harwich approach, to make it consistent with our policy. There it was an overlay district. The other suggestions would be to make it less desirable to seek a special permit to do a conventional "grid"?

Tom Broadrick says there is negative language in the bylaw.

Mary mentioned that clusters appeal to many people from other places. Nancy mentioned that the design of the neighborhood is more important than the size of the individual house lot. We should try to improve the perception of desirability of open space conservation subdivisions.

2. Special Permt Jurisdiction and Coordination with other Agencies.

If a project requires a site plan review, it should be reviewed by the Planning Board. Tom Broadrick thinks all boards should be looking at the special permit applications. 615.2 - 1.c needs to be re-evaluated.

Ask for experience with joint hearings and triggers.

3. Non-Conformity

This discussion will be postponed for the next meeting.

The following items were not discussed, however, Tom Broadrick said he thought we should say "Yes, do items 4, 5, and 7." He said there is supposed to be a manual for inclusionary zoning.

- 4. Organizations of Sections and "Completeness" of Individual Sections**
- 5. Using ZBA and/or Planning Board Regulations**
- 7. Aquifer Protection Overlay District (APOD)**

Next Meeting

The next meeting is tentatively scheduled for April 16, 2014.

Meeting adjourned @ 9:30 pm.

List of Documents and Other Exhibits Used at the Meeting: Horsley Witten Group Memorandum to Judi Barrett, dated March 11, 2014

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