



MINUTES OF MEETING **ZONING BYLAW REVIEW COMMITTEE**

Date: August 6, 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.

Members Absent: Mary Steinke

Also Present: Tom Broadrick

TOWN CLERK
15 JAN 20 AM 8:59
DUXBURY, MASS.

Meeting was called to order at 7:35 by the Chair, Judi Barrett.

Minutes

The minutes from July 16, 2014 were approved as written.

Discussion

The consultants will be present at the next meeting on September 3rd. Judi Barrett asked the committee to consider questions to be discussed.

Nonconformity

Section 401.2,4 a) (1) Clarify what intensifies nonconformity. Determine if attaching a nonconforming accessory structure to a conforming primary structure increases the nonconforming nature of the structure.

Consider Bjorklund v. Zoning Board of Appeals of Norwell. Judi will send this case and the Westwood case to the committee for review.

"3 percent rule", special permit process and determination of "substantially more detrimental" were discussed. George Wadsworth expressed concern that the impact of increasing coverage becomes greater on a neighborhood.

Design Review Board

Condense questions and issues submitted by the Design Review Board for the consultants.

Consider the value of historic districts.

Wetlands Protection Overlay District (WPOD) Section 404

This is the only district with a stated purpose in the current bylaw. There has been discussion about the necessity of the WPOD, considering current wetlands protection measures and some inaccuracies of the original mapping of the district.

Judi Barrett said that prior to 2002, the bylaw worked to provide relief for a landowner whose property was not wet, but the current procedure for obtaining a special permit does not work. 404.9 (d.) is a problem, because it is a hardship on the property owner to get Conservation Commission approval before knowing if they can proceed with a building.

It would be good to see what additional area would become buildable if the WPOD were removed. It was noted that WPOD restrictions do not apply in the case of a 40B development.

George Wadsworth believes it would not be wise for the ZBRC to get rid of the WPOD, but we should try to improve the process for seeking relief. The committee agreed.

Purposes of Districts

Kathy Muncey looked at Plymouth's bylaw for reference to purposes. Tom Broadrick will work on writing purposes for Duxbury's districts.

Judi Barrett will send an email to the committee before the next meeting. If committee members have suggestions, they should reply to Diane Grant.

Next Meeting

The next meeting is scheduled for September 3, 2014.

Meeting adjourned @ 9:25 pm.

List of Documents and Other Exhibits Used at the Meeting:

Town of Duxbury Zoning Bylaws, March 2003 (Amended through March 2014)

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