



MINUTES OF MEETING **ZONING BYLAW REVIEW COMMITTEE**

Date: September 3, 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, George Hall, Nathan Kelly, and five members of the public

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

Judi Barrett sent some reading material to committee members prior to this meeting. This included some court cases and a discussion document to work through.

Discussion

The consultants were present to discuss the issues to be addressed in the bylaws.

Subdivisions

It would be possible to create a stand-alone Conservation Cluster Bylaw by special permit and make it attractive without forcing people through the process, but it would not be "state of the art".

530 is the "Wall Street" problem. It was said that it could not be salvaged.

560 could be folded into Section 700, Planned Development, preserving inclusionary bylaw for Planned Developments. Judi Barrett asked the consultants to look at what would be required to do it, if this is the direction chosen.

540 (RCC) could stay as an option by special permit.

The other option would be to make RCC standard and make the conventional subdivision the option by special permit. This would require more drafting. It would still need to include incentives so people do not just go for the special permit. 530 could be re-written to be the purpose clause.

The Planning Board will consider the options at their September 22nd meeting.

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

Site Plan Review (SPR)

Nate Kelly noted that administrative site plan review appeals go to the ZBA. He recommends taking SPR out of special permits. SPR is administrative, what the Planning Board wants to take a look at. Zoning Board has their own regulations. These should be in a regulations document instead of the bylaw. The Planning Board should also have regulations. The Bylaw declares the process and provides criteria for approval. Submission requirements should be in the regulations. These could be waived if necessary with town meeting approval.

Nonconforming Uses and Structures

George Hall reconsidered recommending we reconsider what we allow. He passed out an excerpt from Ipswich Zoning Bylaw which highlighted circumstances that shall **not** be deemed to increase the nonconforming nature of structures. We did not agree with item d. (alteration of structure encroaching upon a required setback) George said our bylaw does more to give guidance to the board about what is substantially more detrimental than most towns.

Special Permit Granting Criteria

This will be looked at by the consultants.

Wetlands Protection Overlay District (WPOD) Section 404

Nathan Kelly compared the WPOD bylaw with Con Com, and found a lot of agreement. He thinks the zoning bylaw may be working too hard, but it looks at allowable uses, which is important to keep in a zoning bylaw.

The scenic overlay district does not have context.

Our bylaw lists permitted uses and prohibited uses. Usually you only list one and assume the others. Usually listed are permitted uses and special permit uses, and then you have everything else assumed as not allowed.

404.9d. Revise to say you need to get an order of resource area delineation. It does not require proposing a project.

We can have buffer zone protection here. Consultants will review with Con Com how to make this work and help clean this up.

Design Review Board

Nathan Kelly said we should look to retain DRB review on projects that get pulled out for Site Plan Review at the Planning Board. The advisory role will remain. On what is the question: Site design, parking lot design, etc. Try to preserve the applications that currently go to DRB. It would be good to list.

Soft approach works in a strong market and good context.

Design guidelines manual is a good tool.

He says the best approach for neighborhoods is playing on people's sentiments; creating celebration about what makes your neighborhood wonderful could force people through a consultation process. It would be good to put that in the comprehensive plan. Another option would be a neighborhood conservation district.

TOWN CLERK
15 JAN 20 AM 8:19
DUXBURY, MASS.

Judi Barrett asked George Hall to do a revised schedule. December 2nd is the date of closing of the warrant for town meeting.

Purposes of Districts

Tom Broadrick has written purposes for Duxbury's districts, but these were not yet reviewed.

Minutes

The minutes from August 6, 2014 were approved as written.

Next Meeting

The next meeting was not scheduled.

Meeting adjourned @ 9:50 pm.

List of Documents and Other Exhibits Used at the Meeting:

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

TOWN CLERK
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