



MINUTES OF MEETING **ZONING BYLAW REVIEW COMMITTEE**

Date: December 8, 2015

SCHEDULED TIME: 7:30 p.m.

Location: Town Hall, Mural Room

Minutes Prepared By: Nancy Johnson

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

Members Absent: none

Also Present: none

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Meeting was called to order at 7:30 by the Chair, Judi Barrett.

Minutes

Nancy Johnson was absent from the previous two meetings because of lack of notification due to an email address error on the part of town hall. There were no minutes available to be reviewed at this meeting.

Discussion

Judi Barrett handed out drafts of revised sections 401.2 and 718.

Section 718 - Inclusionary Housing Requirements

Moved Inclusionary Housing Bylaw to Planned Development to save it and avoid legal problems. 718 is from 560. This was discussed in the last meeting.

The only change in Section 700 is 718.

Mary Steinke moved to accept 718 as revised, and the motion was approved.

Section 401.2 - Nonconforming Uses and Structures

There were two changes from last week's meeting.

A numbering error was corrected.

Paragraph 401.2 - 3.a)(iii) was removed. George Wadsworth moved to accept this revision, and the motion was approved. The intent of this removal was to avoid the belief that adding height within the existing footprint would not be considered an intensification of nonconformity.

There was some discussion about paragraph 3.b)(v). While this clarifies that the creation of a new nonconformity requires a variance rather than a special permit, it seems unfair, for example, that those whose properties already exceed the allowable coverage are allowed by special permit to add coverage, while those who conform cannot. Also, it is not clear, in some cases what is considered an intensification of an existing nonconformity, verses a creation of a new nonconformity. The example mentioned was setback encroachment. Is encroaching further into the setback, when there is a pre-existing setback encroachment, considered an intensification, or would the added encroachment be a new nonconformity? Judy will review with George Hall.

Horsley Witten memo from December 7, 2015

This memo gives the town guidance on alternative methods in cluster bylaw design. It identifies options of (1) cluster by-right, which would require more prescriptive requirements for design, (2) both conventional and cluster by-right, or (3) optional special permit for cluster. He believes the third option is the least likely to produce a cluster subdivision. Also mentioned is an option for Cottage Community Design, which would introduce a new concept for allowing smaller homes while providing standards to ensure high quality design.

The memo also gives an audit of the current RCC bylaw, which points out elements that would more successfully promote conservation design.

Article 500 – Special Permit Residential Developments (previously called Requirements for Certain Land Divisions, Land Developments, and Inclusionary Housing)

George Hall marked up this section to get over the legal issues of the current bylaw.

Horsley Witten's memo was to address specific RCC bylaw recommendations which have not been incorporated in this marked up version.

In the marked up Article 500, reference to the definitive plan is a concern. Judi will talk to George Hall about these.

The committee discussed the pros and cons of proceeding with the patched up bylaw for Town Meeting. Some felt it would be better to consider improvements recommended by Horsley Witten before bringing it to Town Meeting. Others were concerned about the expediency of getting the legal aspects changed, and did not see that there would be time to rewrite the bylaw. This may suggest a subsequent bylaw revision next year to get back to the town's current policy of promoting conservation subdivisions.

George Wadsworth needs text by December 24th to advertise for public review forum. The Planning Board hearing is planned for January 25th.

Other business

Scott Casagrande stated that George Hall has requested payment for Task 1, which is noted to be 20% of the contract, Article 400, which is 10%, and Article 700, which is 10%. 40% was the request for payment. Judi said we should reduce item 1 to 10%, bringing the total payment to 30%. Scott will send a memo to George Hall, Judi Barrett, and Rene Read.

Next Meeting

The next meeting was scheduled for Tuesday, January 12, 2016.
Meeting adjourned @ 8:50 pm.

List of Documents and Other Exhibits Used at the Meeting:

Revised Section 401.2, Nonconforming Uses and Structures 2015-12-08

Revised Section 718, Inclusionary Housing – 2015-12-08

Memorandum from Horsley Witten Group, December 7, 2015, Options for Cluster Bylaw Approach

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